

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03-MDL-1570 (GBD) (SN)

EXPERT REPORT OF JONATHAN BENTHALL

I. SCOPE OF THIS EXPERT OPINION

I have been asked by counsel for the Muslim World League, the International Islamic Relief Organization and Drs. Naseef, Al-Obaid, Al-Turki and Basha to offer an expert opinion on the following:

1. The role of charitable giving in Islam;
2. The history and development of the alternative humanitarian movement of Islamic charitable giving;
3. The backlash against Islamic charities after 9/11;
4. The inevitable interconnection between politics and charitable giving common to all Non-Governmental Organizations (NGOs);
5. Why Islamic NGOs provide aid to Muslim communities across the world that are in need;
6. Cultural norms and historical transparency issues surrounding Islamic NGOs;
7. Practical considerations for the disbursement of aid on the ground.

In addition, I have reviewed the expert reports submitted by Plaintiffs' counsel in this litigation and will offer rebuttal opinions on the following:

1. Fraud risk in domestic and international charities and its implications;
2. Purported duplicity in Middle Easterners and their institutions;
3. The organizational structures of MWL and IIRO as purported evidence of organizational awareness of material support of al Qaeda.

II. SUMMARY OF EXPERT OPINION

Affirmative Expert Opinions

1. The tradition of Islamic charity, while exhibiting culturally specific historical concepts, has much in common with Judaism and Christianity, and hence with the secular Western traditions of charity, philanthropy and humanitarianism that developed historically from religious origins.
2. Deeply rooted in Islamic teaching are the concepts of *zakat* and *sadaqa*. *Zakat* means obligatory almsgiving, associated in the Qur'an with the themes of purity and productivity and especially with prayer. *Sadaqa*, closely associated with *zakat*, has connotations of moral rectitude, and denotes voluntary giving over and above one's obligation.
3. Islamic charities working at an international level began to be founded in the 1970s. They represent a confluence of two historical movements: the general rise and diversification of NGOs, and the Islamic resurgence. One of the outcomes of the

Islamic resurgence was that Islamic charities of a modern kind were founded, including international humanitarian agencies. Though drawing on the Islamic traditions of charitable giving summarized above, they had much in common with Western agencies, especially Christian ones.

4. By the end of the twentieth century, there were few countries without a presence of Islamic charities, either raising funds or disbursing them, or both. Islamic charities everywhere tend to be marked by a commitment to assisting orphans and displaced persons, and by reference to religious tradition.
5. Islamic charities based in the Gulf, especially in Saudi Arabia and Kuwait, but also in Sudan, grew rapidly and were active in many conflict and disaster zones. They were particularly active during the Soviet–Afghan war of the 1980s and the civil war in former Yugoslavia. IIRO was especially concerned to bring assistance to Muslim communities in the former Eastern Bloc republics which it saw as having suffered under Communist rule.
6. Islamic charities formed a kind of alternative humanitarian movement which had little communication with Western aid agencies and was hardly, if ever, documented in the official statistics on aid flows. Research and documentation on Islamic charities by Western students of humanitarianism barely existed until the last five years of the twentieth century. Reliable historical evidence on the activities of Gulf-based charities during the period up to the first decade of the twenty-first century is hard to find. Allowance must be made, when the documentation available is reviewed, for bias, conscious or unconscious, that may have had an influence on it.
7. In the 1990s, IIRO led the way among Gulf-based charities in undertaking initiatives aimed at strengthening its links with the international aid mainstream. Among other non-Muslim organizations with which IIRO collaborated or held discussions in the 1990s were the United Nations Environmental Programme, the World Conference on Religion and Peace, and Médecins Sans Frontières; and the UN Commission on the Status of Women; and some leading NGOs based in London and Geneva.
8. In recent years, disproportionate attention has been given to Islamic charities as alleged threats to security. With certain exceptions, the blame attached to the Islamic sector for the funding of violent extremism has been exaggerated. Abuse of the privileged status of charities is unfortunately recurrent across the whole charity sector, and can be particularly hard to prevent because they depend on trust. Such abuse may be for personal enrichment or for the pursuit of goals other than those for which a specific charity was set up. A distinction should be drawn between abuse by individual office-holders and systemic intent, at the apex of a charity's organization, to embezzle or divert assets.
9. There is no reason to suppose that the leaders of the IIRO or MWL had anything to do with the leaders of Al-Qa`ida, or shared its ideology, goals or tactics. Sporadic abuse by individuals of the privileges of charities – whether for personal enrichment or for the pursuit of goals other than those for which the charity was set up – should not be assumed to indicate systemic wrongdoing, or to reflect the intentions of the policy-making heads of the charity, without solidly grounded evidence. The administration

and financial control of large international charities with many overseas branches present practical problems for all NGOs – Western and Islamic.

10. The US justice system and the US Treasury have relied on a number of experts on counter-terrorism and terrorist financing with special reference to Muslim individuals and entities. Without questioning their motivations, it is reasonable to question their methodologies. Serious social scientists insist on solidly grounded evidence, on contextualization, on making allowance for cultural differences, and on trying to understand the viewpoints and intentions of all relevant parties rather than only selected individuals. Normal standards for assessing academic credibility do not always appear to be maintained in the process of accreditation of experts.
11. The disbursement of aid is inherently political on some level for both Western and Islamic NGOs. The argument is frequently put forward by commentators that Western devotion to a pure domain of charitable altruism is hypocritical as the Western aid system is deeply connected to national foreign policies and security concerns. While it is perfectly legitimate to draw attention to the political aspects of Muslim philanthropic activities, the application of a political lens should be consistent.
12. There are immense problems of deprivation and political unrest in large swathes of the Muslim world, which explains why much aid from Islamic NGOs is sent there.
13. A distinguishing feature of Islamic charities, as of Christian charities, is the view that programmes of economic development and relief aid should allow for a spiritual or moral as well as a material dimension, conceiving their recipients as whole persons rather than merely statistical units.
14. Gulf charities have been criticized for a lack of transparency. However, it is necessary to take account of a cultural difference between the “charity culture” of the Gulf and that of countries such as the USA and the UK, where the publication of detailed auditors’ reports is now compulsory for organizations that wish to take advantage of the prestige of charitable status and of the tax concessions granted by governments. The standards of charity regulation that we now take for granted in Western Europe and the USA are in fact of fairly recent historical origin. The Gulf States, by contrast, have been marked by a more general culture of privacy and discretion.
15. During the 1990s, Gulf-based charities were less professionalized and specialized than their non-Muslim counterparts.
16. A practical consideration for the disbursement of aid on the ground is the widespread use of cash amongst Gulf Islamic charities. It is normal in Gulf countries for cash to be used even for large transactions. It is an unwarranted assumption that records of movements in cash from the head office of a Saudi humanitarian organization to branch and affiliate offices, during the 1980s and 1990s and into the turn of the century, are *ipso facto* suspect.

Rebuttal Expert Opinions

17. Mr Winer's analysis, while pointing out that the issues of fraud and accounting controls are significant in the US and the UK, fails to take into account the significant additional factors that affect nonprofit organizations operating in multiple areas characterized by conflict and poverty. These factors are likely to result in even greater financial risk. Careful scrutiny of evidence in the operating context of the time would be necessary to support the charge of diversion of funds to extremist groups or to fund political agendas.
18. Prejudice against Arabs and Muslims has become more socially acceptable in Western countries than many other forms of prejudice, but that does not justify it. If the same accusation against Jews were made, as Mr Winer makes against Middle Easterners, it would be regarded as evidence of unacceptable anti-Semitism.
19. There are no grounds discernible in Mr Kohlmann's field of expertise, as stated by him, to attach any weight to his opinion that the "organizational and financial structures" of MWL and IIRO provide evidence that their purported wrongdoing would have been conducted with the awareness and knowledge of the heads of those organizations. Furthermore, he provides no evidence to substantiate this very serious allegation.

III. QUALIFICATIONS

I have studied Islamic charities continuously for 25 years and published extensively about them. Born in Kolkata, India, in 1941, I graduated from the University of Cambridge in English Language and Literature in 1962. I was appointed Lecture Programme Organizer at the Institute of Contemporary Arts, London, in 1970, and its Secretary from 1971 to 1973, and in 1974 I was appointed Director of the Royal Anthropological Institute of Great Britain and Ireland (RAI). In 1982 I was elected a Member of the Association of Social Anthropologists of the Commonwealth. In 2000 I resigned from the Royal Anthropological Institute to concentrate on my own research. In 1994 I was appointed an Honorary Research Fellow, Department of Anthropology, University College London (until 2003, thereafter an Honorary Research Associate until currently). From 2009 till currently, I have been an Associate Fellow at the Humanitarian and Conflict Response Institute. Between 2008 and 2010, I was a member of the Advisory Committee of the Religions and Development Research Programme at the University of Birmingham. From 2019 until currently, I have been a member of the Editorial Board, *Journal of Muslim Philanthropy and Civil Society*, Indiana University.

In 1993 I was awarded the Anthropology in Media (AIME) Award by the American Anthropological Association as Founder Editor of *Anthropology Today* since 1985. In 2001, I was awarded the Patron's Medal of the RAI, and in 2015, I was appointed Director Emeritus of the RAI.

I have also carried out voluntary work that provided me with additional first-hand exposure to NGO governance issues. Between 1981 and 1996, I served on a number of committees of Save the Children (UK), including six years of membership of the Overseas Committee, which was responsible for its international programme including disaster relief and development aid. Between 1997 and 2003, I was Chair of INTRAC (International NGO Training and Research Centre), Oxford (Board Member, 1996–2006), which is a not-for-profit company set up as a "support NGO", that is, supplying services to international Non-Governmental Organizations

in the fields of training, consultancy, project planning, monitoring and evaluation of programmes, etc. Between 1997 and 2004, I was a Trustee of another successful British charity, the Alliance of Religion and Conservation, which was founded in 1995 by HRH Prince Philip, Duke of Edinburgh, to initiate environmental projects in collaboration with religious organizations and with intergovernmental organizations such as the UN Development Programme.

In 1993, I published *Disasters, Relief and the Media*, probably the first book-length study of the relations between international aid agencies and the communications media (new edition, 2010). In 1996, I was awarded a six-month sabbatical by the RAI, and I began a research project initially focused on the question of why some 30 National Societies of the International Red Cross and Red Crescent Movement use the red crescent rather than the red cross as their emblem. This led to field visits to Jordan, the Palestinian Territories, Oman and Algeria, and the research project quickly extended to cover the wider field of Islamic charities. After publishing three peer-reviewed articles on the subject, I joined forces with Dr Jérôme Bellion-Jourdan, a French political scientist, to publish a co-authored book, *The Charitable Crescent: Politics of Aid in the Muslim World* in 2003 (new paperback edition, 2009). Since then I have published many articles on Islamic charities, some of which were collected in *Islamic Charities and Islamic Humanism in Troubled Times* (2016). I also co-edited (with Robert Lacey) *Gulf Charities and Islamic Philanthropy in the 'Age of Terror' and Beyond* (2014), based on the Gulf Charities Workshop, which he and I co-directed in July 2012 at the University of Cambridge in the context of the Gulf Research Meeting 2012.

Some publications – in addition to those republished in the 2016 collection – are:

“Islamic Relief Worldwide”, “Médecins Sans Frontières (MSF)”, “Oxfam” and “Relief” (in *The Palgrave Dictionary of Transnational History*, 2009);

“Islamic humanitarianism in adversarial context” (in *Forces of Compassion: Humanitarianism Between Ethics and Politics*, ed. Erica Bornstein and Peter Redfield, 2011);

“‘Cultural proximity’ and the conjuncture of Islam with modern humanitarianism” (in *Sacred Aid: Faith and Humanitarianism*, ed. Michael Barnett and Janice Stein, 2012);

“Charity” (in *A Companion to Moral Anthropology*, ed. Didier Fassin, 2012);

“Charity” (in *The Oxford Encyclopedia of Islam and Politics*, Oxford University Press, 2014);

“Religion and humanitarianism” (in *The Routledge Companion to Humanitarian Action*, ed. Roger MacGinty and Jenny H. Peterson, 2015);

“Charity: modern period” (in the *Encyclopedia of Islam, Third Edition* (Brill, 2016, online);

“Experto crede: A legal and political conundrum” (in *If Truth Be Told: The Politics of Public Ethnography*, ed. Didier Fassin, 2017);

“Charity” (in the *Cambridge Encyclopedia of Anthropology* online, 2017), also in French translation “Charité”;

“Humanitarianism as ideology and practice” (in *The Wiley-Blackwell Encyclopedia of Anthropology*, 2018);

“The Rise and Decline of Saudi Overseas Humanitarian Charities”, Occasional Paper no. 20, Center for International and Regional Studies, Georgetown University – Qatar, 2018;

“Charitable Activities of the Muslim Brotherhood” (in *Journal of Muslim Philanthropy and Civil Society*, 2019, vol. 2 no. 2);

“The Care of Orphans in the Islamic Tradition, Vulnerable Children, and Child Sponsorship Programs”, (in *Journal of Muslim Philanthropy and Civil Society*, 2019, vol. 3 no. 1);

“A note on humanitarian terminology”, 2019, Allegra lab online: project on Muslim humanitarianism (MUHUM). <https://allegralaboratory.net/a-note-on-humanitarian-terminology-muhum-2/>.

Between 2005 and 2013, I was engaged as an adviser to the Swiss Federal Department of Foreign Affairs (FDFA) Bern (Human Security Division) on a project entitled the Montreux Initiative (later renamed the Islamic Charities Project). This was conceived as an exercise in mediation or conflict resolution, whose objective was to remove obstacles from Islamic charities in so far as they were unjustified. The argument was that the long tradition of Islamic charitable giving was having difficulty in expressing itself amid a growing climate of mistrust between Islam and the “West”, and there was a need for confidence building between, on the one hand, Islamic charities determined to comply with internationally accepted codes of practice – including the need for transparency and non-discrimination – and, on the other hand, Western governments and regulatory authorities. I was commissioned by the FDFA to write a Feasibility Study in January 2005 and shortly thereafter appointed a member of the “core group”, which included representatives of the FDFA and a number of experts with knowledge of humanitarian institutions, both Muslim and non-Muslim. At the end of 2005, some seventeen Islamic charities – from Europe but also from the Gulf and other Middle Eastern countries – met in Istanbul to further the project. It was agreed that discussions would proceed discretely with no media involvement. For a short period, the project was co-sponsored by the UK Foreign and Commonwealth Office.

Part of the plan was to offer “capacity building” services to Muslim charities that had been hitherto managed on informal lines, *i.e.* helping them to improve their performance and public profile through modern procedures of administration and accounting. Recommendations were also made with regards to desirable improvements in governmental policies.

I was also a member of a delegation sponsored by the Swiss Government to Washington, D.C., in February 2011, and took part with other members of the delegation in meetings with staff

members of the Senate Judiciary Committee, the State Department, the US Treasury's Office of Foreign Assets Control, the National Security Council, and other government officials.¹

I have been invited to speak in many academic and humanitarian forums and also at the Charity Commission, Foreign and Commonwealth Office, and Home Office, London; Centre National d'Éducation et de Formation (French police academy); Ditchley Foundation, England; National Defense University, Fort McNair, Washington, D.C., etc.

I am a fluent writer and reader of French, and have studied Standard Arabic to an intermediate standard.

I am currently engaged, among other things, on a *pro bono* research contract with the International Committee of the Red Cross, Geneva, which has allowed me to have access to restricted archives and other information on condition that the work product is confidential and that the Committee has exclusive rights to it.

A complete list of my publications can be found in my CV, which is attached as Exhibit A to this report, along with a complete list of documents (or translations thereof) considered in the preparation of this report attached as Exhibit B. I have been compensated for my time in this matter at a rate of \$400 an hour.

IV. METHODOLOGY

The research methodology that I have adopted has been as comprehensive as possible, enhanced by adherence to the principles of ethnography, which is a method of inquiry that I have learnt through exposure to the discipline of social anthropology. I make a distinction as far as possible between sources of factual information and how the information gained is presented and interpreted.

When I published *Disasters, Research and the Media* in 1993, there was as yet little academic research on international aid agencies of any kind. When I co-authored *The Charitable Crescent: Politics of Aid in the Muslim World* in 2003, there was little published on Islamic charities. Indeed, there was little published on Faith Based Organizations of all confessions. Though research on all these topics is now expanding rapidly, there is still little academic research on charities based in the Gulf. Consequently, I have pursued my enquiries by drawing on diverse sources of information wherever I have been able to locate them.

The sources used may be roughly classified as follows. First, primary sources are to be sought wherever possible. These include: interviews with all relevant interlocutors such as charity workers and trustees, both remunerated and unpaid, both active and retired; government officials, both central and local, including representatives of regulatory authorities;

¹ The Montreux Initiative failed to achieve all its goals, owing mainly to political turbulence, but it made an appreciable indirect impact. The focus on "capacity building" was no longer necessary in 2010, since numerous "support NGOs" had by then become committed to this type of work. The recommendations with regard to compliance and governmental policies remain highly relevant. See Jonathan Benthall, "The Islamic Charities Project (Formerly Montreux Initiative)", in *Islamic Charities and Islamic Humanism in Troubled Times* (Manchester University Press, 2016).

representatives of religious institutions; recipients of charity and welfare support (this is an important source of information, though for various reasons it is the hardest to get access to); government publications and websites; personal observations, especially through “participant observation”; written and online sources such as letters, reports, in-house memoranda; photographs, and promotional and fundraising material; and court documents.

Next, secondary sources include open-source academic articles and books, especially those that have been subjected to rigorous peer review; newspaper articles and websites (to be cross-checked with special caution); interviews with other researchers, and with journalists and diplomats; and statistical surveys, including mass public opinion surveys.

Examples of the fruits of this comprehensive method may be found in the pages on Jordan (pp.98–107) and on Algeria (pp.92–98) published in *The Charitable Crescent: Politics of Aid in the Muslim World* (2003), based on my field visits to those countries in 1996 and 2000 respectively. In Jordan I was able to make use of contacts with the French diplomatic service and a government-sponsored French residential research centre where I stayed for six weeks (which made possible “participant observation”); with numerous representatives of the International Red Cross and Red Crescent Movement; with numerous charity and government officials and academics; and with senior members of the Jordanian royal family. I engaged a Jordanian as a temporary research assistant to help with translation and interviews. We attempted to arrange interviews with charity beneficiaries, but this proved impracticable in the time available. I also absorbed as much as I could of the available published literature on the history of Jordan.

As for Algeria, I visited it at a difficult time, in 2000, when the civil war that had started in 1991 was not completely over, though an amnesty had been declared in 1999. As a guest of the sociology department of the University of Bouzaréah in Algiers, I was able to interact with numerous academics. Among my interviewees were the Minister for National Solidarity, the Archbishop of Algiers and other Catholic priests, and the head of a leading national Islamic charity. I was able to draw on an internal report commissioned from INTRAC (see above) by the Algerian government. I also made use of articles published in the local Arabic-language as well as the French-language press. In the account of my findings published in 2003, I concluded that I had been initially over-optimistic about the willingness of the Bouteflika government to encourage the “associative movement” or voluntary sector.

Presentation and interpretation of factual information are important aspects of social research. My methodology is influenced by three principles of ethnography, as a research method distinctive of social-cultural anthropology.

First, an emphasis on studying the behaviour of individuals and groups, and giving due consideration to the viewpoints of all interest groups and stakeholders. It should not be assumed that the most prestigious or the most vociferous parties to a controversy are the only ones who deserve a serious hearing. For instance, in the Algerian case mentioned above, I concluded on the basis of the study carried out by INTRAC consultants, and conversations with local social scientists, that many of the Islamic voluntary associations were “performing good work with deep roots in the communities they serve”. This contrasted with “the establishment view in Algeria, which is that all the Islamic voluntary associations are highly politicized...” (p.97). Voluntary associations based on the French model, inherited from the colonial period, did not necessarily “resonate with traditional ways of drawing on a community’s resources for helping individuals in distress”. I was obliged to rely, in particular, on the findings of an Algerian social

scientist, because it was not practicable to ascertain in any reliable way the view of charity recipients themselves.

A second principle is that of “decentring”, that is to say unsettling prior assumptions. This has an analogy with the principle observed in Western law courts that judges and jury members are encouraged to put aside, as far as possible, all preconceptions. In the present context, I have ventured in my publications to “decentre” the assumption that charity and philanthropy are monopolies of the Christian and post-Christian West. This assumption has been extensively called into question recently by other scholars.²

Third, researchers in the anthropological tradition are especially committed to examining their own biases and prejudices, with a view to adjusting for them as far as possible, just as they should make allowance for biases in the publications of others. Not only is everyone encumbered with prejudices as a result of their personal background – especially with regard to members of other ethnic groups and religions – but those who express professional opinions on matters of public concern tend to develop a personal investment in their opinions that can too easily harden into bias and prejudice.

This third principle is related to an additional principle, which should be common to all branches of inquiry in social science (not merely anthropology). This is the principle that all interpretations are essentially provisional and dependent on factual evidence, and that one should modify one’s conclusions, in the event that new evidence arises to challenge them. I give an example above, in that I was obliged in 2003 to change my over-optimistic view of the future of Algerian civil society under the presidency of Abdelaziz Bouteflika, which I formed during my visit to Algiers in 2000. In retrospect, I had given too much attention to those who were directly benefiting from the current regime. Thus, my methodology takes care to weigh the relative opinions of the speakers with the balance of alternative evidence, and not to over-rely on one particular source. In addition, I also take care to constantly re-evaluate my conclusions, in light of new evidence.

Over my 25 years as an expert on Islamic NGOs, my work has been peer reviewed and widely disseminated. As far as I am aware, my broad conclusions on the subject of Islamic charities have never been challenged by other researchers in academic publications.

V. EXPERT OPINION

1. The Role of Charitable Giving in Islam

In broad terms, the tradition of Islamic charity has much in common with Judaism and Christianity, and hence with the secular Western traditions of charity, philanthropy and humanitarianism that developed historically from religious origins. The three Abrahamic religions all share the principle that wealth belongs to God, to whom human beings should be answerable as stewards of creation. The familiar English words that we use to describe aspects of altruism and voluntary giving are all loaded with cultural connotations: for instance,

² E.g. Amy Singer, 2008, *Charity in Islamic Societies* (Cambridge U.P.); Michael Barnett and Janice Stein (eds) 2012, *Sacred Aid: Faith and Humanitarianism* (Oxford U.P.); project on Muslim humanitarianism (MUHUM), 2019. <https://allegralaboratory.net/category/thematic-threads/muslim-humanitarianism/>

“charity” appears in many English translations of the Christian Gospels as a synonym for spiritual love, and both “charity” and “humanitarian” have sharply defined meanings in Western law as well as everyday colloquial usages.³

Similarly, in the Islamic tradition there are culturally specific historical concepts. The most prominent form of voluntary charity in the history of Islam was the *waqf* or religious endowment (plural *awqāf*), roughly equivalent to the European charitable trust, and traceable back to the life of the Prophet Muhammad. It has been estimated that at the end of the eighteenth century between one-half and two-thirds of the lands of the huge Ottoman Empire were held in *waqf* structures,⁴ and the institution spread over almost the whole of the Muslim world.⁵ As a formal legal institution it is now much less prominent, but it survives as such in some countries such as Saudi Arabia and Oman, while as a concept grounded in the early history of Islam it has been adapted by some present-day Islamic NGOs as a vehicle for fund-raising.⁶

Even more deeply rooted in Islamic teaching, since they have a major place in the Qur’an, are the concepts of *zakat* and *sadaqa*. *Zakat* means obligatory almsgiving, associated in the Qur’an with the themes of purity and productivity and especially with prayer. It has been described as “financial worship”. In the eyes of devout Muslims, prayer is rendered invalid if the *zakat* obligation is ignored. The Qur’an specifies eight categories of authorized beneficiaries, beginning with “the poor”. These are (to borrow the most usual descriptions): the poor; the destitute; those employed to administer the *zakat*; those who might be converted to Islam, or assist in the cause; slaves; debtors; those committed to the “way of God”; and travellers in need. In principle, Muslims should give one fortieth of their assets each year (2.5%), after deduction for the value of their home and their means of livelihood (such as working tools). *Zakat* is conceived as the opposite of usurious interest or *riba*, which is seen as essentially corrupting. *Sadaqa*, closely associated with *zakat*, has connotations of moral rectitude, and denotes voluntary giving over and above one’s obligation.⁷

³ For a brief discussion of these words see Jonathan Benthall, 2019, “A note on humanitarian terminology”. Allegra lab online: project on Muslim humanitarianism (MUHUM). <https://allegralaboratory.net/a-note-on-humanitarian-terminology-muhum-2/>

⁴ Amy Singer, 2008, *Charity in Islamic Societies* (Cambridge U.P.), p.186.

⁵ Jonathan Benthall and Jérôme Bellion-Jourdan, 2003, *The Charitable Crescent: Politics of Aid in the Muslim World* (I.B. Tauris), pp.29–34; Monzer Kahf, 2014, “Waqf”, in *The Oxford Encyclopedia of Islam and Politics*, ed. Emad El-Din Shahin (Oxford U.P.), pp.536–539.

⁶ Jonathan Benthall, 2007, “Islamic Charities, Faith Based Organizations and the International Aid System”, in *Understanding Islamic Charities*, ed. Jon B. Alterman and Karin von Hippel (CSIS Press), reprinted as Chapter 1 in *Islamic Charities and Islamic Humanism in Troubled Times* (Manchester U.P., 2016), p.29.

⁷ Jonathan Benthall, 2003, “Financial Worship”, in Jonathan Benthall and Jérôme Bellion-Jourdan, *The Charitable Crescent: Politics of Aid in the Muslim World* (I.B.Tauris), pp.7–28; Amy Singer, *Charity in Islamic Societies* (Cambridge U.P.), pp.38–57, 67–68.

Giving is specially enjoined, and earns special merit, during the holy month of Ramadan. Alms given discreetly are better than those that are publicized. Those whose wealth is below a fixed threshold are exempt from almsgiving.

There is no Muslim society in which the practice of *zakat* and *sadaqa* functions entirely smoothly, as enjoined in the Qur'an, to guarantee social harmony. A wide range of actual arrangements is found in different Muslim-majority countries. In Saudi Arabia, Sudan and Pakistan *zakat* has become *de facto* part of the taxation system. In Morocco and Oman the *zakat* obligation is left for individuals to fulfil informally by giving to people in need identified through personal networks. In Jordan, the state controls *zakat* committees while also allowing them a measure of decentralized autonomy.⁸ Traditionally, *zakat* was most widely seen as a vehicle for distribution only to Muslims and only to neighbours. There has been a trend towards relaxing these restrictions that is associated with the growth of modern Islamic NGOs, though the older view is still commonly held.⁹

All schools and movements in Sunni Islam¹⁰ agree on the importance of *sadaqa* and *zakat*, the third of the five “pillars of Islam”, although at times in Islamic history *zakat* became a mere vehicle for extracting taxes. It is reasonable to speak of “Islamic charity”, since there is so much in common with the Christian tradition, and the more neutral, non-cultural-specific term “good works” is not widely used. Islamic scholars have devoted much attention to the rules governing who is eligible to receive *zakat*, and how owners of different kinds of wealth (such as mineral rights) should calculate their *zakat* obligation. There is no exact equivalent in the Christian tradition. However, it is not so different from the institution of tithing which still survives in some Christian denominations such as the Mormons, and which like *zakat* had its historical roots in ancient Jewish tradition and probably in the Middle Eastern practice of donating the first fruits of agricultural crops to those in need.¹¹

2. The History and Development of the Alternative Humanitarian Movement of Islamic Charitable Giving

Traditional Islamic charity

The traditional centre of Islamic charity was the *waqf* (see above). In the nineteenth century, much *waqf* property in Muslim-majority countries was nationalized, and today the

⁸ Jonathan Benthall, 2003, “Financial Worship”, in Benthall and Bellion-Jourdan, *The Charitable Crescent*, p.13.

⁹ Jonathan Benthall, 2016, *Islamic Charities and Islamic Humanism in Troubled Times* (Manchester U.P., 2016), pp.14–16.

¹⁰ Shia Muslims are as a general rule required to pay, in addition to *zakat*, an additional tithe (*khums*) to a religious leader of their choice. In Islamic history, *zakat*, *sadaqa*, *khums*, *waqf* and some other “Islamic canonical revenue categories” are “characterised by a greater or lesser terminological ambiguity, and often overlap with each other” (Edmund Hayes, 2017, “Alms and the Man: Fiscal Sectarianism in the Legal Statements of the Shi'i Imams”, *Journal of Arabic and Islamic Studies*, 17, 280–298, p.284).

¹¹ Jonathan Benthall, 2003, “Financial Worship”, in Benthall and Bellion-Jourdan, *The Charitable Crescent*, pp.21–28, 164.

responsibilities of Ministries of Awqaf are often limited to the administration of mosques and Islamic schools.

There are some notable survivals. The Takiyat Khaski Sultan soup-kitchen in the Old City of Jerusalem still serves food to hundreds of people: it is said to have been founded in c. 1551 by the Ottoman emperor Süleyman I's wife, Hürrem Sultan.¹² The Sultanate of Oman, which has only been a modern state for some fifty years, still administers hundreds of *waqfs*.¹³ These are now exceptional cases.

Early to mid twentieth century innovations

Some major Islamic voluntary associations such as the Muhammadiyah in Indonesia¹⁴ and the Jam'iyya Shar'iyya in Egypt¹⁵ date back to the early twentieth century. The Edhi Foundation was built up from nothing in Pakistan by Abdul Sattar Edhi (1928–2016), who migrated there from Gujarat at the time of the Partition of India in 1947; it grew into a major national and international agency specialising in emergency relief, medical, and refugee care, animated by Edhi's personal charisma and widely supported by all sections of Pakistan society.¹⁶

Both the Muhammadiyah and the Edhi Foundation are examples which demonstrate that, given the right circumstances, the values underlying Islamic charity can be brought into play to animate successful humanitarian institutions that provoke relatively little public controversy.

Islamic charities working at an international level began to be founded in the 1970s.¹⁷ They represent a confluence of two historical movements: the general rise and diversification of NGOs, and the Islamic resurgence.

The rise and diversification of NGOs

¹² Amy Singer, 2008, *Charity in Islamic Societies* (Cambridge U.P.), p.149; Amy Singer, 2002, *Constructing Ottoman Beneficence: An Imperial Soup Kitchen in Jerusalem* (University of New York Press).

¹³ Jonathan Benthall and Jérôme Bellion-Jourdan, 2003, *The Charitable Crescent: Politics of Aid in the Muslim World* (I.B.Tauris), pp.29–30.

¹⁴ Amelia Fauzia, 2013, *Faith and the State: A History of Islamic Philanthropy in Indonesia* (Brill); Hilman Latief, 2012, *Islamic Charities and Social Activism: Welfare, Dakwah and Politics in Indonesia* (University of Utrecht).

¹⁵ Sarah ben Néfissa, 1995, "Associations égyptiennes: une libéralisation sous contrôle", *Monde Arabe*, 150, October-December, pp.40–47.

¹⁶ "Abdul Sattar Edhi, Pakistan's 'Father Teresa,' Dies at 88", *The New York Times*, 8 July 2016, <https://www.nytimes.com/2016/07/09/world/middleeast/abdul-sattar-edhi-pakistans-father-teresa-dies-at-88.html>; Jonathan Benthall, 2003, "Financial Worship", in Jonathan Benthall and Jérôme Bellion-Jourdan, *The Charitable Crescent: Politics of Aid in the Muslim World* (I.B.Tauris), pp.18–19.

¹⁷ The Aga Khan Foundation, set up in 1967 under Swiss law, has been strongly supported by the Ismaili (Shia) community and is a sophisticated global aid agency.

The term NGO is a catch-all expression covering the not-for-profit sector, which is now a major part of the world's economy. Early NGOs emerged especially after wars: the Red Cross after the Franco-Austrian war in the 1850s, Save the Children after World War I, Oxfam and CARE and Christian Aid after World War II, World Vision during the Korean War, Médecins Sans Frontières after the Nigerian Civil War. The 1970s and 1980s were decades of particular growth for international NGOs, which are calculated to have increased in number from fewer than 1,000 in 1956, to 14,000 in 1985 (and later to nearly 21,000 in 2003).¹⁸ To explain this sharp increase, various explanations have been suggested. These include: economic globalization; the quest to find alternatives to government service provision; the declining borders of activism as a result of the revolution in information and telecommunications technology; and finally, the policies of governments and international organizations to stimulate international NGOs. In most Western jurisdictions nonprofit organizations form a sector distinct from the State. However, "[w]hile private donations from individuals have been an important source of funding for many nonprofit groups, scholars of the nonprofit sector have found that grants and subsidies from the state, foundations, and other elite institutions have played an essential and critical role in the development of the nonprofit and voluntary sector".¹⁹

By the end of the 1980s, the growth of international NGOs was coming to be regarded as a positive hope for the expansion of a transnational "civil society", embracing many humanitarian and environmental causes. I argued myself in 1993 that the relief agencies can be seen

as a kind of multi-axial hinge: between haves and have-nots, North and South, the local and the global, emergencies and planning, marketing of images and meeting genuine needs, politics and compassion.²⁰

The Islamic resurgence

A worldwide Islamic resurgence began in the 1970s, for which many explanations have been put forward. It may be seen as an intensification of a movement dating back much earlier: a growing awareness of Islamic values in response to Western and secular trends, and to the colonization of Muslim-majority countries. Islam came to be seen as an alternative way of life that challenged dominant social systems, offering an opportunity to regain esteem and dignity. This resurgence took many different forms.

One of the outcomes of the Islamic resurgence, relatively unpublicized in Western countries, was that Islamic charities of a modern kind were founded, including international humanitarian agencies. Though drawing on the Islamic traditions of charitable giving summarized above, they had much in common with Western agencies especially Christian ones. Christian aid agencies in the modern sense have a longer history. But IIRO was founded in 1978; and Islamic

¹⁸ Kim D. Reimann, 2006. "A view from the top: international politics, norms and the worldwide growth of NGOs", *International Studies Quarterly*, 50: 45–67, p.45.

¹⁹Ib., p.48.

²⁰ *Disasters, Relief and the Media*, 1993, p.219.

Relief Worldwide, based in Birmingham, England, was founded in 1984 and is now the world's largest Islamic charity.²¹

By the end of the twentieth century, there were few countries without a presence of Islamic charities, either raising funds or disbursing them, or both. Islamic charities everywhere tend to be marked by a commitment to assisting orphans and displaced persons, and by reference to religious tradition, including motifs such as the crescent²² or the minaret, and to the religious calendar, mainly the month of Ramadan and the Festival of Sacrifice ('Id al-Adha or Qurbani).

One type of Islamic charity may be categorized as "Islamist", that is to say, embodying an ideology that holds that all areas of life should be regulated by reference to Islam or at least one interpretation of it. Some Islamist charities in the Middle East were associated with opposition movements and found a role in providing effective welfare and relief services in national contexts, such as Egypt and the Palestinian Territories, where the state proved unable or unwilling to provide them. By contrast, in Saudi Arabia, a complex interplay of ideological and political forces resulted in a uniquely intertwined relationship between the Islamic establishment and the government, reflected to some extent in other Gulf states.²³

During the last two decades of the twentieth century, when the British Islamic charities were still relatively small, Islamic charities based in the Gulf, especially in Saudi Arabia and Kuwait, but also in Sudan, grew rapidly and were active in many conflict and disaster zones. As noted above, many Western charities were launched or expanded during wars or shortly afterwards. The same was true of Islamic charities, which developed with particular vigour in the context of wars and civil unrest in the Middle East, the Horn of Africa, and Central Asia. They were particularly active during the Soviet–Afghan war of the 1980s and the civil war in former Yugoslavia during the 1990s.

A prominent field of activities, especially for IIRO, was the former Eastern Bloc after the fall of the Berlin Wall in 1989, when a number of former Communist republics with Muslim majorities rejected the ideology of Soviet atheism and reasserted their Islamic identities which had been suppressed, often ruthlessly. Geoffrey Wheeler, a pioneer of scholarship on central Asia, wrote in 1977: "[T]he at once contemptuous and suspicious, albeit tolerant attitude towards Islam adopted by Tsarist Russia has developed under the Soviet regime into one of active hostility".²⁴ The campaign against Islam in the 1920s had been "directed not only against

²¹ See Jonathan Benthall, "Islamic Relief Worldwide", in *The Palgrave Dictionary of Transnational History*, 2009, pp. 605–606.

²² The existence of a transnational network known as the "Red Crescent" is often incorrectly assumed, whereas 33 National Societies of the International Red Cross and Red Crescent Movement use the red crescent rather than the red cross as their emblem. The Movement in its entirety is officially non-confessional, though, in practice, some of the Red Crescent National Societies have taken on a local Islamic colouring.

²³ Stéphane Lacroix, 2010, *Les islamistes saoudiens: Une insurrection manquée* (Presses Universitaires de France), pp.317–8; Mehran Kamrava, 2018, *Inside the Arab State* (Hurst), p.171.

²⁴ Geoffrey Wheeler, 1977, "Islam and the Soviet Union", *Middle Eastern Studies*, 13.1, January, 40–49, p.40.

religious belief, but against almost every tradition and custom characteristic of Islamic society, which was now declared as militating in its totality against economic productivity and the building of socialism”.²⁵ An example of this suppression is the abolition of Islamic primary and secondary schools in Central Asia: about 8,000 were in operation before the Russian Revolution, but by 1928, none remained.²⁶ Another example was the conversion of mosques into warehouses or cinemas: the number of mosques in the Soviet Union was reduced from some 45,000 before the Revolution to a probable 400 in the 1970s.²⁷ Mass deportations of Crimean Tatars, Ingush and Chechen, but also other Muslim groups, were carried out during the Stalin regime.²⁸

A summary of programmes reported by IIRO as carried out during 1995 included an extensive humanitarian commitment in Bosnia-Herzegovina (part of former Yugoslavia), providing food and medical and sanitary essentials; and health projects in Azerbaijan, Ingushetia, Kabardino-Balkaria, Dagistan, and Chechnya (all republics of the former USSR). In the same year, projects to support orphans were established in formerly Communist Albania, and plans were under discussion to launch vocational training centres there.²⁹

In retrospect, these Islamic charities formed a kind of alternative humanitarian movement which had little communication with Western aid agencies and was hardly if ever documented in the official statistics on aid flows. Research and documentation on Islamic charities by Western students of humanitarianism barely existed until the last five years of the twentieth century. Reliable historical evidence on the activities of Gulf-based charities during the period up to the first decade of the twenty-first century is hard to find, and allowance must be made for bias, conscious or unconscious, in all the documentation available.

In the 1990s, however, it is clear that the IIRO led the way among Gulf-based charities in undertaking initiatives aimed at strengthening its links with the international aid mainstream. One example is the conference on displaced Muslim women that it co-organized in November 1994 in Sharjah, United Arab Emirates, with more than 250 delegates in attendance from a wide variety of institutions in 42 countries. The conference collaborators were the International NGO Working Group on Refugee Women and the Office of the United Nations High Commissioner for Refugees (UNHCR). This took place during the Bosnian crisis and a few months after a major Beijing conference devoted to the rights of women. It was argued that of the world’s refugees, 80 percent were Muslim, and 70 percent were women or children; hence,

²⁵ Wheeler, 1977, p.42.

²⁶ Paul Froese, 2008, *The Plot to Kill God: Findings from the Soviet Experiment in Secularization* (University of California Press). Pp.53–54.

²⁷ Wheeler, 1977, p.47.

²⁸ Alexandre Statiev, 2010, “Soviet Ethnic Deportations: Intent versus Outcome”, *Journal of Genocide Research*, 11: 2–3, 243–264, p.246.

²⁹ *IIRO Newsletter*, 1.7, October 20, 1995, pp.6–7. See also the 30-minute fundraising video *Tarīq al-amal* (“The Path of Hope”), released in 1992 (five years after the launching of a new campaign, “The Seeds of Charity”), which places particular emphasis on the suffering of Muslims under Communist regimes, and gives examples of IIRO’s relief programmes.

the aim of the conference was to set out guidelines for bringing them appropriate assistance.³⁰ In the idiom of aid workers, this may be seen as an example of “cultural sensitivity”, in that most displaced Muslim women belong to conservative societies where males and females are traditionally segregated and there is a strict differentiation of gender roles. Such an initiative supports the contention that in some circumstances Islamic charities may cater more effectively than secular or Christian charities for the needs of Muslim beneficiaries (just as Christian charities may work with special effectiveness to assist Christian beneficiaries, *e.g.* in Latin America and in parts of Africa³¹). While the advantages of this “cultural proximity” are by no means automatic, a strong body of opinion among aid workers accepts the importance of cultural sensitivity.³² Similarly in Britain today, an Islamic charity (the National Zakat Foundation) supplies shelters to cater for the specific needs of single Muslim women in distress.³³

Among other non-Muslim organizations with which IIRO collaborated or held discussions in the 1990s were the United Nations Environmental Programme, the World Conference on Religion and Peace, and Médecins Sans Frontières;³⁴ and the UN Commission on the Status of Women; and some leading NGOs based in London and Geneva.³⁵

3. The Backlash Against Islamic Charities After 9/11

I consider that in recent years, disproportionate attention has been given to Islamic charities as alleged threats to security. Abuse of the privileged status of charities is unfortunately recurrent across the whole charity sector, as will be indicated in this section. Such abuse may be for personal enrichment or for the pursuit of goals other than those for which a specific charity was set up. A distinction should be drawn between abuse by individual office-holders and systemic intent, at the apex of a charity’s organization, to embezzle or divert assets.

There is no doubt that, owing to a refusal to recognize the special responsibilities of charities, lax management, or criminal intent – or a combination of these reasons – a few Islamic charities, as well as other charities, were made use of as conduits to fund or support paramilitary activities before 2001. One important reason for this is that during the Soviet–Afghan war of the 1980s, a strong precedent was set by the United States government in mixing humanitarian, diplomatic and military aid to the *mujahideen* in Afghanistan – even to the extent of setting up ostensibly charitable entities which were in fact state-funded vehicles for anti-Soviet

³⁰ Jérôme Bellion-Jourdan, 2003, in Benthall and Bellion-Jourdan, *The Charitable Crescent*, pp.84, 156; also, *IIRO Newsletter* 1.4, December 23, 1994, pp.1–5.

³¹ Jonathan Benthall, 2012, “ ‘Cultural Proximity and the Conjuncture of Islam with Modern Humanitarianism’”, in Michael Barnett and Janice Stein (eds), *Sacred Aid: Faith and Humanitarianism* (Oxford U.P.), 65–89, pp.67–71.

³² For a summary of the debate about “cultural proximity”, see Benthall, *Islamic Charities....*, 2016, pp.51–52, 55–56.

³³ Benthall, *Islamic Charities....*, 2016, p.15.

³⁴ *IIRO Newsletter* 1.7, October 1995.

³⁵ *IIRO Newsletter* 1.5, April 1995.

propaganda. A number of US nonprofit organizations with tax-exempt status (technically, (501(c)(3) organizations), such as American Friends of Afghanistan, were formed to channel US government funds through USAID and the National Endowment for Democracy (NED), to engage in such activities as publishing a magazine, *Afghan Jihad*, arranging for injured *mujahideen* to be flown to the United States for medical treatment, training journalists to comment favourably on the *mujahideen*, and publishing leaflets for religious scholars. It was reported by an independent commentator in 1990 that the activities of some seventy advocacy NGOs worldwide had created an atmosphere of unconditional sympathy for the “freedom fighters”, as they were then called by the US government, in which “anyone criticizing the rebels for their human rights violations or the alliance’s lack of legitimacy is automatically seen as an apologist for the Soviet and Afghan armies”.³⁶ Meanwhile the Soviets objected that the US administration was supporting international terrorism.³⁷ As noted above, the charity regulation regime in the US was relatively relaxed during the 1980s. I suggest that it encouraged certain Muslim and Arab activists to treat the structures of institutional charity in the same way,³⁸ whereas in the course of the 1990s United States foreign policy changed towards anathematizing the former Afghan “freedom fighters” as terrorists.

Working in 1980s Afghanistan is not evidence of support for terrorism. Numerous NGOs were present and active in the region during that time – both Western and Islamic – due to the widespread humanitarian crisis. The war came to an end at the end of that decade and Saudi aid to Afghan *mujahideen* came to an end shortly after the fall of President Mohammad Najibullah in 1992.³⁹ There is no reason to suppose that the leaders of the IIRO or MWL had anything to do with the leaders of Al-Qa`ida, or shared its ideology, goals or tactics.

With certain exceptions – notably Lashkar e Taiba (Army of the Pure), based in Pakistan, and an activist faction in the Revival of Islamic Heritage Society, based in Kuwait – the blame

³⁶ Helga Baitenmann, 1990. “NGOs, and the Afghan war: The politicisation of humanitarian aid.” *Third World Quarterly* 12:1, 62–85, p.78. See also National Endowment for Democracy, Annual Report, 1989, p.15. <https://www.ned.org/wp-content/uploads/annualreports/1989-ned-annual-report.pdf>; National Endowment for Democracy, Annual Report, 1990, p.19. <https://www.ned.org/wp-content/uploads/annualreports/1990-ned-annual-report.pdf>

³⁷ Antonio Donini, 2004. “Principles, politics, and pragmatism in the international response to the Afghan crisis” (in *Nation-Building Unraveled? Aid, Peace and Justice in Afghanistan*, ed. A. Donini et al., Bloomfield: Kumarian Press, 117–142, p.121.

³⁸ Benthall, “Islamic humanitarianism in adversarial context” (in *Forces of Compassion: Humanitarianism Between Ethics and Politics*, ed. Erica Bornstein and Peter Redfield, 2011), p.117. See also Erica Caple James, 2019, “Policing Philanthropy and Criminalizing Charity in the ‘War on Terror’” in *Governing Gifts: Faith, Charity, and the Security State*, ed. Erica Caple James (School for Advanced Research Press), 141–160, p.153.

³⁹ Thomas Hegghammer, 2007, “Violent Islamism in Saudi Arabia, 1979–2006: The Power and Perils of Pan-Islamic Nationalism”, doctoral dissertation, Institut d’Études Politiques de Paris, p. 198.
<https://hegghammer.files.wordpress.com/2019/07/hegghammer-thesis-violent-islamism-in-saudi-arabia.pdf>.

attached to the Islamic sector for the funding of violent extremism has been exaggerated. Abuse of the privileges of organized charities occurs everywhere from time to time and can be particularly hard to prevent because they depend on trust. The reputations of some of the world's most established and respected charities, such as Oxfam, Save the Children, and Unicef, have been tainted by proven serious misconduct.

The administration and financial control of large international charities with many overseas branches always present practical problems. For example, two leading international aid agencies, Oxfam and Médecins Sans Frontières (Doctors Without Borders) – having originated in Britain and France respectively – experienced considerable administrative turbulence in expanding their operations on a worldwide scale.⁴⁰

Furthermore, the prestige of some major Western charities has been damaged by major financial scandals at the highest level of responsibility. For instance, in 1992 William Aramony, the president of the United Way of America, which was then a network of over 2,000 local organizations and raised over \$3 billion per year for charity, was found guilty of 25 felony charges, after engaging in a lavish lifestyle, and sentenced to 7 years in prison.⁴¹ In 1996, the executive director of the American Parkinson Disease Association, Frank L. Williams, was convicted for embezzling more than \$1 million worth of contribution cheques.⁴² These and many other crimes are recorded as having escaped detection for long periods despite the fiduciary duties of charity trustees, finance directors and auditing firms. The two scandals cited above took place in the 1990s. Two specialists in social work comment in an article published in 2001:

The United States has already experienced the consequences that can accrue from NGO scandals in terms of loss of contributions, loss of status, and organizational turmoil. For countries in which the third sector [i.e. the non-profit] sector is at an earlier stage of development, the notion of NGO accountability to the public is not yet entrenched. The majority of NGOs do not as yet evidence a commitment to the concept of accountability and, in general, their boards are not meeting the basic roles and responsibilities essential for effective governance.⁴³

This was certainly true of the Gulf based charities in the 1990s. In the case of a charity such as IIRO that grew very fast with many overseas branches in difficult conflict and disaster zones, it would have been surprising if there were no cases of personal embezzlement and fraud during this period.

⁴⁰ See Benthall, “Médecins Sans Frontières (MSF)”, 2009. in *The Palgrave Dictionary of Transnational History*, pp.707–78, and “Oxfam”, pp.801–802.

⁴¹ Margaret Gibelman and Sheldon R. Gelman, “Very public scandals: Nongovernmental organizations in trouble”, *Voluntas* 2001, 12: 1, pp.49–66.

⁴² Lynda Richardson, 1996, “Former Charity Head Ordered to Prison”, *New York Times*, July 31.<https://www.nytimes.com/1996/07/31/nyregion/former-charity-head-ordered-to-prison.html>

⁴³ Margaret Gibelman and Sheldon R. Gelman, p.61.

The IIRO annual report for 2001–2002 shows how dispersed, both geographically and conceptually, the charity was at this time:

Domestic branches: 13 in number, with 3 more planned to open shortly.

Number of countries worked in: 95.

Sectors worked in:

- Social welfare
- Emergency relief
- Social centres
- Wells
- Other infrastructure projects
- Health care
- Education
- Free meals
- Social programmes
- Cultural assistance
- Personal assistance
- Human development

For any NGO, the prospect of monitoring all conduct of all employees at all times, even outside the scope of their employment, is not feasible. Sporadic abuse by individuals of the privileges of charities – whether for personal enrichment or for the pursuit of goals other than those for which the charity was set up – should not be assumed to indicate systemic wrongdoing, or to reflect the intentions of the policy-making heads of the charity, without solidly grounded evidence. Any organization with as many operating sections, and working in as many different countries, as IIRO in 2001–2002 would have run the risk of administrative disarray and consequent leakage of resources.

As an example of the monitoring and auditing difficulties experienced by any nonprofit organization operating in many different countries, we may cite the Report to Congressional Committees submitted by the United States General Accounting Office in March 1991, addressing “the programs and operations of the National Endowment for Democracy (NED) and its Board of Directors in providing oversight over program activities”. The Report concluded, that though the NED “has been successful in developing an expanding worldwide grants program”, among its deficiencies were the following: “The Endowment monitoring procedures have not been effective. Grantee noncompliance with the Endowment’s key financial and internal controls has resulted in instances of funds being misused, mismanaged, or not effectively accounted for”.⁴⁴

Well into the twenty-first century, it has still been possible for such a sophisticated and prestigious agency as USAID to lose control of its finances when its operations are geographically stretched. USAID committed \$589 million of emergency food assistance

⁴⁴ United States General Accounting Office, 1991, Report to Congressional Committees, “Promoting Democracy: National Endowment for Democracy’s Management of Grants Needs Improvement”. GAO/NSIAD-91-162, p.3. <https://www.gao.gov/assets/160/150240.pdf>

projects in Afghanistan since 2010.⁴⁵ But the audit by the Special Inspector General for Afghanistan Reconstruction (SIGAR) in 2020 found that “incomplete reporting and limited site visits reduced USAID’s ability to conduct oversight of its emergency food-assistance activities in Afghanistan” Furthermore, USAID “lacked data to evaluate whether it achieved intended outcomes related to its emergency food-assistance projects”, and whereas it tracked individual incidents of theft, diversion and loss, it did not know the “total amount of assistance lost”, or the “total number of beneficiaries who did not receive” that assistance.⁴⁶

Islamic charities in general have experienced considerable difficulties since 9/11 owing to suspicions on the part of some Western governments that they have been used as fronts for terrorist activities. Among the obstacles they have faced are “designations”, *i.e.* blacklisting, with very limited access to due process and rights of appeal; and arbitrary closure of accounts by banks as a result of litigation against banks and consequent “de-risking”. After 9/11, the whole sector of Islamic charities fell under a cloud. International NGOs as a whole soon realized that legal measures taken against Islamic charities, especially the US “material support” laws, put at legal risk the operations of *all* NGOs in conflict zones where Muslims are in the majority (in addition to the physical risks of operating in conflict zones). Their concerns today are articulately expressed by the Washington-based Charity and Security Network⁴⁷ and elsewhere. But, as noted in a professional report published in 2018, “Muslim charities (or those with a Muslim name) have faced the greatest obstacles in accessing financial services. This is despite non-Muslim and secular agencies being forced to rely increasingly on Muslim charities to deliver assistance in conflict zones such as Afghanistan, Somalia, Syria and Yemen”.⁴⁸

The United States justice system has been exposed to the criticism both domestically and internationally that the PATRIOT Act and the material support laws bear too hard on humanitarian work in general and on Muslim charities in particular.⁴⁹ Under these laws, the slightest taint of alleged collaboration with a terrorist entity is enough for a hospital, a dairy or a bakery to be considered as a criminal enterprise.

In general, Muslim charities are subjected to more scrutiny than others. Muslim charities seen to be affiliated with foreign governments often find themselves subjected to deep scrutiny due

⁴⁵ SIGAR Quarterly Report to the United Congress, January 30, 2020. p.iv. <https://www.sigar.mil/pdf/quarterlyreports/2020-01-30qr.pdf>.

⁴⁶ SIGAR Quarterly Report p.19.

⁴⁷ <https://charityandsecurity.org>.

⁴⁸ Stuart Gordon and Sherine El Taraboulsi-McCarthy, “Counter-terrorism, bank de-risking and humanitarian response: a path forward”, Humanitarian Policy Group, Overseas Development Institute, London, Policy Brief 72, August 2018, p.2. <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12368.pdf>.

⁴⁹ Cf. American Civil Liberties Union 2009, “Blocking faith, freezing charity: Chilling Muslim charitable giving in the ‘war on terrorism financing’”; Francis FitzGibbon QC, “Low-hanging fruit”, *London Review of Books*, 22 January 2015, pp.13–14.

to such affiliation, while, for instance, the Jewish National Fund encounters no legal obstacles in the USA when it raises tax-exempt funds for military installations in Israel.⁵⁰

The US justice system and the US Treasury have relied on a number of experts on counter-terrorism and terrorist financing with special reference to Muslim individuals and entities. Without questioning their motivations, it is reasonable to question their methodologies. Police and intelligence agents – responsible for keeping our populations safe from terrorism – rightly make extensive use of the technique of building up and analysing webs of association between individuals and between organizations. But for those responsible for arriving at judicial or administrative decisions, and those giving them expert advice, there is a material risk that they attribute guilt by association. For instance, it is sometimes argued in a circular fashion that organization X is blameworthy because of its association with organization Y, while organization Y is blameworthy because of its association with organization X.

Serious social scientists insist on well-grounded evidence, on contextualization, on making allowance for cultural differences, and on trying to understand the viewpoints and intentions of all relevant parties rather than only selected individuals. Normal standards for assessing academic credibility do not always appear to be maintained in the process of accreditation of experts. These standards include peer review, both at the stage of acceptance of books and articles for publication, and at the stage of reception when books and articles are reviewed and commented on by other scholars. These counterterrorism experts frequently lack experience of the realities of disaster relief and poverty alleviation projects, and of the management of nonprofit institutions, whose international programmes in conflict zones are always exposed to enhanced risks. They frequently ignore the growing research literature on contemporary Islam and on Faith Based Organizations, of which Islamic charities are a subset. Within the specific field of study of terrorism and terrorist financing, they frequently exaggerate the strength of evidence for the arguments they are advancing and ignore or discount the countervailing evidence. The basic principle of fairness, which dictates that those accused of serious misconduct should have a right to be heard, is often ignored.⁵¹

If it is agreed, as argued above, that there has been an overreaction against Islamic charities, we may note that two consequences have followed. Enforced closures and downsizing of Islamic charities have resulted in a *humanitarian deficit*. For example, the Islamic charities of the Gulf have sharply reduced their operations, with the partial exceptions of Kuwait and Qatar. These include the IIRO, in its day the largest Islamic charity in the world (before downsizing over the last twenty years). Simply put, an incalculable number of possible beneficiaries have missed out on charitable services that might have been provided if these charities had grown and developed at the same pace and with the same success as their counterparts in Britain.

A snapshot of the damage to the interests of charities' beneficiaries that arose since 2001 may be taken from the small, crisis-torn country of Chad. According to a presentation given in Qatar in February 2006, 18 Islamic NGOs were operating in Chad before 9/11. In 2006 there were only five, all of them funded from the Gulf. Three of these were threatened with closure.

⁵⁰ <https://www.kkl-jnf.org/people-and-environment/community-development/soldier-family-meeting-points/>

Accessed August 1, 2020.

⁵¹ Jonathan Benthall, "Experto crede: A legal and political conundrum" in *If Truth Be Told: The Politics of Public Ethnography*, ed. Didier Fassin, 2017), pp.160–183.

(Meanwhile, there were in 2006 some 300 active Western NGOs in Chad, including Christian missionary organizations.) One of the results was that nearly 500 orphans – some of them placed with families, some in residential orphanages – were abandoned by Islamic charities that had been supporting them. Many of these probably became street children.⁵²

A *humanitarian vacuum* may also be identified. This is created when legitimate humanitarian actors are absent, allowing space for violent extremist regimes to make use of the idiom of charity for purposes that have nothing to do with charitable ideals. The so-called “Islamic State” set up a Ministry of Zakat and Charities to finance its administration in 2014–15, which helped it, according to one researcher, to bring in six times more revenue from tax than it received from oil sales.⁵³ The “Islamic State” also rebranded some UN/WHO food aid to gain credit for itself.⁵⁴ Al-Qa`ida in the Arabian Peninsula and an Al-Qa`ida affiliate in Syria, Hayat Tahrir al-Sham, wooed civilians with a “hearts and minds” approach that included the provision of food and other services.⁵⁵

4. The Inevitable Interconnection between Politics and Charitable Giving Common to All NGOs

Until about twenty years ago, books about Western aid agencies were almost invariably hagiographies – uncritical celebrations of their virtuous founders and followers, working in the domain of humanitarianism which was seen as essentially ring-fenced from politics. It is now a commonplace that charity and humanitarian aid have, and have always had, an inescapable political dimension in practice.⁵⁶ This new analytical approach was not arrived at solely as a result of self-criticism by humanitarians, though this was an important element. It was also a response to criticism of international aid agencies from outside, and specially by and on behalf of their recipients or presumed beneficiaries. International aid agencies have been seen as agents of Western power and influence, as providers of enviable opportunities for members of the middle classes, and sometimes as carriers of Christian evangelism or post-Christian godlessness. These criticisms have been current for many years, long before recent public revelations of serious wrongdoing among some of the most established Western NGOs, especially relating to sexual abuse.

Muslim criticisms of Western NGOs have been especially hard-hitting. The argument is that Western devotion to a pure domain of charitable altruism is hypocritical; the Western aid system is deeply connected to national foreign policies and security concerns; humanitarian

⁵² Benthall, *Islamic Charities*..., p.34.

⁵³ Rukmini Callimachi, “The ISIS Files”, *New York Times*, 4 April 2018, citing research by Aymenn Jawad al-Tamimi and Mara Revkin; Mara Revkin, *Foreign Affairs*, “ISIS’ Social Contract: What the Islamic State Offers Civilians”, 10 January 2016.

⁵⁴ Jonathan Benthall, 2018, “The Rise and Decline of Saudi Overseas Humanitarian Charities”, Occasional Paper no. 20, Center for International and Regional Studies, Georgetown University – Qatar, p.33.

⁵⁵ *Ib.*, pp.33–34.

⁵⁶ See for example Antonio Donini, ed., *The Golden Fleece: Manipulation and independence in humanitarian action* (Sterling, VA.: Kumarian Prss, 2012).

action often provides a fig leaf for military intervention, or an excuse for political inaction; Christian missions proselytize in many parts of the world; and some unfortunate populations are reduced to exporting images of their misery through Western-controlled media and thus becoming aid economies. Quite recently, a more thoroughgoing critique of Western humanitarianism has gained currency: the argument that it is permeated with unconscious racism.⁵⁷ These arguments should be taken seriously as part of a necessary dialogue within and between cultures, though not necessarily accepted wholesale.

In the West, Muslim charities are similarly criticized on the grounds that they politicize aid. But the manner in which it is criticized should be fair and even-handed. It is perfectly legitimate to draw attention to the political aspects of Muslim philanthropic activities, but the application of a political lens should be consistent.

5. Why Islamic NGOs Provide Aid to Muslim Communities Across the World That are in Need

Muslim NGOs are frequently criticized for devoting the greater part of their activities to giving assistance to Muslim communities. Marie Juul Petersen writes of the two Gulf-based charities – the Kuwait-based International Islamic Charitable Organization (IICO) and IIRO[SA] – with which she undertook fieldwork between 2007 and 2011:

Seeking to avoid accusations of discrimination, the organizations argue that they do in principle support a universalist approach, but they focus primarily on Muslims out of pragmatic reasons. A high-level staff member in IIROSA says: “In Jordan, we work mostly with Muslims. The Christians don’t ask us for help, they have their own organizations.” Likewise, staff in IICO says that because most people in Jordan are Muslim, discrimination is not an issue. Another variant of this argument focuses on the fact that the majority of the world’s poor are Muslim, justifying special attention to this group of poor people.⁵⁸

There are indeed immense problems of deprivation and political unrest in large swathes of the Muslim world. The proportions of citizens living below the poverty line in the most populous Muslim-majority countries were estimated as follows in 2010 (set here against current estimates of their total populations and the percentage who are Muslims):⁵⁹

⁵⁷ E.g. Hugo Slim, 2020, “Is racism part of our reluctance to localise humanitarian action?” *Humanitarian Practice Network*, 5 June. <https://odihpn.org/blog/is-racism-part-of-our-reluctance-to-localise-humanitarian-action/> (“Localization” means the transfer of funding and power to local institutions. Slim was Head of Policy, International Committee of the Red Cross, Geneva, 2015–2020.)

⁵⁸ *Gulf Charities*..., p.41.

⁵⁹ Sources: “The Future of the Global Muslim Population: Projections for 2010–2030”, Pew Research Center, 2011, pp. 11, 53–54. <http://assets.pewresearch.org/wp-content/uploads/sites/11/2011/01/FutureGlobalMuslimPopulation-WebPDF-Feb10.pdf> World Population Review 2020. <https://worldpopulationreview.com/country-rankings/muslim->

| <i>Country</i> | <i>Estimated Muslim population in 2010</i> | <i>Proportion of total population in 2010 living below poverty line</i> | <i>Actual total population in 2020 (estimated)</i> | <i>Muslim percentage of total population in 2020</i> |
|----------------|--|---|--|--|
| Pakistan | 178 m. | 33% | 221 m. | 96% |
| Indonesia | 205 m. | 17% | 273 m. | 87% |
| Bangladesh | 149 m. | 40% | 165 m. | 90% |
| Egypt | 80 m. | 17% | 102 m. | 92% |

The proportion living below the poverty line is higher in some of the smaller Muslim-majority countries: over 60% in Chad, Mali, Niger and Gambia, and 50% in Azerbaijan.⁶⁰ Wars in the Middle East and elsewhere have resulted in flows of forced migration that have overwhelmed the international humanitarian system: in Syria alone since 2011, some 6 million internally displaced persons, and some 5 million refugees who have crossed to other countries. It is understandable that Islamic charities have tended to focus on operations in the Middle East, Africa, Muslim-majority republics of the former Eastern bloc, Pakistan, Afghanistan, Bangladesh and Indonesia.

In most jurisdictions, there is no law against administering a charity for the exclusive benefit of members of one religion. Between 1995 and 2005, the World Bank under the presidency of James Wolfensohn had considerable influence in drawing attention to the potential of religious networks in promoting economic development, as arguably the broadest and most culturally embedded forms of “civil society”.⁶¹

As the Islamic charity sector develops, it has been gradually adapting to the norms of the international aid community, which include a commitment to non-discrimination within a given recipient population. This principle does not exclude devoting resources for the benefit of a given religiously homogeneous nation such as (in the case of Islam) Afghanistan or Algeria; but within a nation of mixed religion, such as Nigeria, there must be no discrimination. In 1991 the General Assembly of the United Nations endorsed the “humanitarian principles” of neutrality and impartiality in Resolution 46/182. In 1994 the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief was published, including the principle that “aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.” The IIRO is one of nearly 500 organizations that have signed this Code of Conduct.

Though some Gulf charities were drawing closer to the international aid system in the 1990s – e.g. IIRO’s registration in 1995 with observer status at the Economic and Social Council of the

population-by-country. The “poverty line” is based on each country’s definition of the poverty level in that country.

⁶⁰ Pew Research Center estimates, 2011, p.54.

⁶¹ Jeffrey Haynes, 2013. “Faith-Based Organisations, Development and the World Bank”, *International Development Policy: Religion and Development* (Graduate Institute, Geneva), pp.49–64.

United (ECOSOC) and the International Organization for Migration (IOM) – it is not clear to what extent they were positively embracing a commitment to non-discrimination in the 1990s. Some of them engaged explicitly in *da'wa*, often translated as “propagation”, which in this context is not proselytism with an intention to convert, but “reislamization”, *i.e.* strengthening the faith of, and teaching the practice to, Muslim communities. Petersen concludes that IIRO and IICO “attempt to maintain a particularistic focus on Muslims without challenging international discourses of universalism and non-discrimination”, helping Muslims “not so much because they are fellow brothers and sisters in an Islamic *umma* [community of believers], but because they are poor”.⁶²

From the perspective of 2020, organizations that mix humanitarianism with explicitly religious activities are becoming outliers rather than mainstream. However, in most jurisdictions this mixing is still allowed by law. The Christian evangelical World Vision is one of the largest international aid charities, reporting income of over US\$2 billion for the year ending in September 2018.⁶³ Other Christian examples are Tearfund in Britain, and in the USA, the Southern Baptist Disaster Relief and Samaritan’s Purse. Samaritan’s Purse proudly asserts its commitment to bringing the Christian Gospel to populations affected by disaster and conflict. For instance, in northern Iraq it provides child-friendly spaces in camps for displaced persons, where Muslim children are taught Bible stories.⁶⁴

Notably, in the Islamic NGO context, mixing the disbursement of material aid with programmes that have a religious character does not evidence nefarious intent. A widespread feature distinguishing Islamic charities, in common with Christian charities, is the principle that programmes of economic development and relief aid should allow for a spiritual or moral as well as a material dimension, conceiving their recipients as whole persons rather than merely statistical units. This is true even of charities such as the British based Islamic Relief Worldwide, which have opted out of explicitly religious activities. As Marie Juul Petersen has observed, the distribution of food to poor families in the *iftar* meal breaking the Ramadan fast is both a way to help them materially and also the celebration of an important religious tradition. Building a well ensures access to clean water but is also motivated by a wish to facilitate the Islamic tradition of ritual ablution before praying.⁶⁵

As Petersen has written of what she identifies as the “Islamic aid culture”

the Islamic aid culture turned on notions of brotherhood and Islamic solidarity, binding Muslims together in a global community, the *umma*. In this perspective, all Muslims are part of the same religious brotherhood, and

⁶² *For Humanity or for the Umma*, 2015, p.89.

⁶³ World Vision International and Consolidated Affiliates, Consolidated Financial Statements, September 30, 2018 and 2017. <https://www.wvi.org/sites/default/files/Consolidated%20Financial%20Statements%202018%20C%202017.pdf>

⁶⁴ <https://www.samaritans-purse.org.uk/article/samaritans-purse-continues-to-serve-iraqs-displaced-children/> Accessed July 26, 2020.

⁶⁵ *Gulf Charities*, p.39.

as such, closely connected, mutually interdependent, and obliged to help one another. One of the first disasters to attract the attention of Muslim aid organizations was the famine in the Horn of Africa in the beginning of the 1980s. For many people, Islamic solidarity was a major reason for engaging in this disaster – a wish to translate the theoretical and much talked-about Islamic solidarity into a practical Islamic aid, by demonstrating compassion with the starving Muslims ... In concrete terms, this meant that Muslim charities would focus their aid on Muslim countries and populations, rarely aiming to bring help to non-Muslims.

Second, the aid provided was based on a conception of suffering as simultaneously material and spiritual: poverty was not only about hunger, diseases, and lack of education; it was also about religious ignorance and humiliation. This meant that aid was not only about building wells, distributing medicine, or teaching children to read and write: it was also about preaching, teaching children to memorize the Qur'an, and building mosques. As such, mission, or *da'wa*, was also an integrated part of aid provision in Muslim charities. This aspect of aid provision was further strengthened by the perception among many Muslim charities at the time that Western aid organizations worked either covertly or overtly as missionaries, attempting to attract converts to Christianity or secularism through their provision of aid (which some of them undoubtedly did).⁶⁶

6. Cultural Norms and Historical Transparency Issues Surrounding Islamic NGOs

Gulf charities have been criticized for a lack of transparency. It is necessary to take account of a cultural difference between the “charity culture” of the Gulf and that of countries such as the USA and the UK, where the publication of detailed auditors’ reports is now compulsory for organizations that wish to take advantage of the prestige of charitable status and of the tax concessions granted by governments.

One reason is the emphasis traditionally placed on modesty and anonymity in giving *zakat* and *sadaqa*. According to a well-known *hadith* (statement or action attributed to the Prophet Muhammad), those most favoured by God in the after-life include “a person who practises charity so secretly that his left hand does not know what his right hand has given”⁶⁷ Anonymous giving is also praised in the other two Abrahamic traditions,⁶⁸ but is a particularly strong tradition in Islam.

⁶⁶ *Gulf Charities*, p. 29.

⁶⁷ Sahih Al-Bukhari, vol. 2 book 24 no. 504 “Obligatory Charity Tax (Zakat)” <https://sunnah.com/bukhari/24>

⁶⁸ Cf. Matthew 6.3; and Maimonides, the twelfth-century Jewish philosopher, who outlined eight levels of charity, each higher than the next. The highest was helping a fellow Jew to be independent of charity. The second highest was giving without knowing who the recipient is, and without the recipient knowing who the donor is. “Charity (Tzedakah): Eight Levels of

The Gulf states have been marked by a more general culture of privacy and discretion. When questioned by myself in 1995 about the lack of detailed annual accounts published by IIRO, the Secretary General, Dr Farid Qurashi, replied that in Saudi Arabia the duty of accountability was held to be only to the donors of charity – not to the public at large.⁶⁹ In the 1990s, Saudi based charities only published very general statements about the sources and disbursement of funds. This was at odds with current practice in the USA and Western Europe, but looking back only a decade or two earlier in Britain, at least, some charities had been managed very informally – with little documentation apart from stubs in a chequebook.

The standards of charity regulation that we now take for granted in Western Europe and the USA are in fact of fairly recent historical origin. In Britain, Charity Commissioners were appointed by the government in 1853, but it was only in 1960⁷⁰ that charities were required to keep proper books of account and keep these records for at least seven years. No auditing or independent review was then required. Not until 1993 did a new Charities Act require registered British charities to lodge financial accounts with the Charity Commission and to submit to independent examination.⁷¹ Whereas Islamic charities in the United Kingdom have complied with these requirements, it is understandable that in the 1990s the charities based in the Gulf were managed in a more informal way. This is not to say that the larger Gulf-based charities did not employ auditors, but they were under no obligation to publish their findings.

7. Practical Considerations for the Disbursement of Aid on the Ground

Even today, and more so during the 1990s, Gulf-based charities have been less professionalized and specialized than their non-Muslim counterparts. Staff members in the charities studied by Petersen were, she notes, “all practicing Muslims, many of them with a religious education. Many had previously worked in the private sector or in government; very few, if any, had experience from the UN or any Western aid organizations”.⁷² Some impartial observers have given special appreciation to the sincerity shown by fieldworkers employed by Islamic charities, and their strong solidarity with affected communities.⁷³ Petersen concludes that for IIRO staff, personal care, compassion and religious solidarity were more important than professionalism. This attitude is consistent with the Qur’anic teaching that poor people have a right to *zakat* and should always be treated with respect.

Charitable Giving” Jewish Virtual Library. <https://www.jewishvirtuallibrary.org/eight-levels-of-charitable-giving>

⁶⁹ Interview in London. See IIRO *Newsletter*, 1.5, April 21, 1995, “London visit of IIRO delegates”, p.6. Dr Qurashi (1949–2003) was Secretary General between 1985 and 1996.

⁷⁰ The Charities (Statement of Account) Regulations 1960 (SI 1960 No. 2425).

⁷¹ Carolyn J. Cordery and Rachel F. Baskerville, 2007, “Charity financial reporting regulation: a comparative study of the UK and New Zealand”, *Accounting History*, 12: 1, 7–27, pp.12–14.

⁷² *Gulf Charities*, p.28.

⁷³ Daniel Maxwell and Nisar Majid, 2016, *Famine in Somalia: Competing narratives, collective failures* (Oxford U.P.), p.196.

As an example of actual charitable activity on the ground, I described in *The Charitable Crescent* my visit in 1996 to an orphans' day centre in Amman, the capital of Jordan, run by the IIRO. This was just outside the Jabal Al Husayn refugee camp, and the centre cared for two hundred children up to the age of 15, just over half of them boys. Boys and girls, on alternate days, attended Qur'anic instruction and extra classes, and courses were provided to help their families become economically self-sufficient. The character of this programme brings out the point made above, that Islamic charities are conspicuously different in some ways, but similar in other ways to non-Muslim charities. Learning the Qur'an by rote is deprecated by most Western educationalists, who set a high value on the encouragement of problem-solving and creativity. Though this kind of instruction would be defended by Salafi Muslims on the grounds that a priceless religious heritage is being transmitted to the children, I could not but contrast what I saw with the atmosphere of a typical European or American classroom today. However, when I interviewed the head of the day centre, I found that her views on the care of vulnerable children were similar to those current in Save the Children UK in the 1990s. Like my colleagues in Save the Children, she was opposed to institutional orphanages and spoke strongly in favour of local initiatives and of the importance of volunteering without reward. I wrote in 2002 that this orphan centre "represents an approach to the care of children that accords with current expert Western thinking in seeking to strengthen family bonds through day centres, rather than board children in institutions".⁷⁴

More generally, almost all Islamic charities undertake some kind of programmes to help orphans (defined in the Muslim world as children who have lost their father, though the category can also in practice include children born outside marriage, foundlings, and street children). These policies are grounded in Islamic Scriptures, for the Prophet Muhammad was an orphan himself and the Qur'an includes several passages that condemn those who misappropriate orphans' property. There is a clear analogy with the emphasis given by Christian charities to the care of children, in accordance with the teaching of the Gospels (*e.g.* Matthew 18: 1–10). The practice of international one-to-one child sponsorship was initiated by Christian charities but is now very widespread among Islamic charities.⁷⁵

Another example of a practical consideration for the disbursement of aid on the ground is the widespread use of cash amongst Gulf Islamic charities. It is normal in Gulf countries for cash to be used even for large transactions. This is partly due to a mistrust of technology and of banks that charge and pay interest (prohibited in Islam, according to many schools of interpretation), but also because of an inclination towards privacy. It is an unwarranted assumption that records of movements in cash from the head office of a Saudi humanitarian organization to branch and affiliate offices, during the 1980s and 1990s and into the turn of the century, are *ipso facto* suspect.

The Saudi economy has been and remains relatively cash-intensive. There is great variation throughout the world's nations in the proportion of cash made use of in everyday transactions, as opposed to credit cards, wire transfers, cheques and the like. In the year 2000, the proportion of cash transactions to Gross Domestic Product in the Saudi economy was rather larger than

⁷⁴ *The Charitable Crescent*, pp.103–4.

⁷⁵ Benthall, "The care of orphans in the Islamic tradition, vulnerable children, and child sponsorship programs", *Journal of Muslim Philanthropy and Civil Society*, 2019, 3: 1.

the same proportion in the United States (8.0 percent as opposed to 6.0 percent), and considerably larger than the same proportion in the United Kingdom (3.2 per cent).⁷⁶

The extent to which any given country's citizens make use of cash for transactions depends on cultural as well as technological factors, including the proportion of citizens who have no access to banks. In the 1970s, the Saudi economy was almost entirely based on cash transactions, and it has been transitioning since then towards an extensive use of modern financial technologies today – though with cash still retaining an important function.

In the context of international aid organizations, it must be remembered that the sophistication of the international banking system is not well adapted to conflict zones. It depends on sophisticated relationships of trust between institutions and individuals in different countries and jurisdictions – relationships which are disrupted by military conflict. Moreover, in the 1990s, the technologies of the Internet and cell phones were in their infancy. Cash couriers were often during this period the most secure way of making sure that humanitarian aid reached its desired destination.

VI. EXPERT REBUTTAL OPINION

1. Fraud Risk in Domestic and International Charities and its Implications

Mr Winer in his expert report cites the study “An Investigation of Fraud in Nonprofit Organizations: Occurrences and Deterrents”, by Janet Greenlee et al., published by the Hauser Center for Nonprofit Organizations, Harvard University, Working Paper no. 35, in December 2006 (Winer fn.105). As Mr Winer writes, this study estimated that the fraud loss to US nonprofit organizations could be approximately \$40 billion each year. Greenlee *et al.* write “A survey conducted by the Association of Certified Fraud Examiners (ACFE) estimates that all [US] organizations [*i.e.* both commercial or nonprofit] lose on average six percent of their revenue to fraud every year.” And they argue that nonprofits are especially vulnerable to abuse in that they are founded on trust: “human failings lead trusted people to abuse their positions”.

Yet this Harvard University study seems to have been confined in its scope to US domestic charities and gives no attention to the additional risks of operating at an international level. We learn from the IIRO annual report for 2001–2002 (Kohlmann fn.204) that it was then operating in 95 countries in three continents, in a wide variety of sectors (pp.17–20). All these countries had their own laws relating to corporations, regulation of nonprofits, accounting, taxation and the like, including many differences of language, thereby greatly enhancing the risks to a Saudi-based international nonprofit organization of suffering losses through fraud.

Similar comments apply to Mr Winer's citation (also in fn.105) of the *Annual Fraud Indicator 2017*, published in the UK by the Centre for Counter Fraud Studies, University of Portsmouth,

⁷⁶ Morton Bech et al., “Payments are a-changin’, but cash still rules”, March 2018, *BIS Quarterly Review*, Annex “Payments data for CPMI jurisdictions: Table A”, p.80. (However, in Japan, a highly developed industrial economy, the same proportion of cash transactions to GDP was much higher in 2000, *i.e.* 13.5 percent.) https://www.bis.org/publ/qtrpdf/r_qt1803g.pdf

which estimates that £2.314 billion was lost annually to fraud by UK charities during the years 2013 to 2016. The proportion of fraud to a charity's turnover was estimated in this report at 1.70% in the case of payroll fraud (for the year 2015 to 2016), rising to 4.76% in the case of procurement fraud. The opportunities for procurement fraud to be perpetrated are enhanced when an organization has many overseas affiliates or branches. Thus, I would note that Mr. Winer's analysis, while pointing out that the issues of fraud and accounting controls are significant in the US and the UK, does not consider the significant additional risks of fraud that affect charities operating in multiple areas characterized by conflict and poverty. Incidents of defalcation and other abuses by individuals are likely to occur without necessarily involving any diversion of funds to extremist groups or to fund political agendas.

2. Purported Duplicity of Middle Easterners and their Institutions

In his expert report, Mr. Winer asserts "All my opinions offered herein are expressed to a reasonable degree of certainty" (para. 3.1, p.7). Mr. Winer writes that "over my decades of work on Middle East issues, I have found it common for people and institutions there to send different messages to different audiences as a means of seeking to avoid direct confrontation with powerful western countries, especially the United States" (para. 9.5, p.59). He accuses a whole region of "the intent to avoid direct conflict with the West through duplicity, or engaging in a double game".

I would respectfully suggest that this statement exposes manifest prejudice on the part of the writer. It illustrates precisely the contention in my affirmative report that certain expert witnesses engaged in legal processes concerning the Islamic world take little care to examine and correct their personal biases. Most social scientists today hold that, whereas complete objectivity in social research is an unattainable ideal, an essential first step is becoming aware of one's own prejudices and trying to modify them. Relations between the West and the Middle East have been fraught with misunderstandings and hostilities over centuries, and it should be an essential part of an expert's methodology to show an awareness of how prejudice can spill unwittingly into his or her evaluation of evidence. In outlining the methodology that underpins my own affirmative report, I emphasized the need to examine the prejudices – especially with regard to other ethnic groups – that may have arisen as a result of one's own personal background. This is especially vital in the context of law courts, where judges and juries are duty bound to try to set aside all preconceptions and evaluate the evidence on its merits.

Prejudice against Arabs and Muslims has become more socially acceptable in Western countries than many other forms of prejudice, but that does not justify it. If the same accusation against Jews were made as Mr. Winer makes against Middle Easterners, it would be regarded as evidence of unacceptable anti-Semitism. Duplicity is one of the allegations that have traditionally and wrongly been aimed at Jews. If an expert witness were to state that from his or her experience, American Jews as a totality cannot be trusted to be patriotic citizens of their country on account of their divided loyalty to Judaism, he or she would be widely criticized as anti-Semitic and correctly so.

If Mr. Winer's words, quoted above, were included in an essay by a first-year student of social science or history, they would be severely questioned by his or her teacher – especially if offered as "expressed to a reasonable degree of certainty". They reveal, in my submission, a bias that compromises the adequacy of all Mr Winer's conclusions as an expert.

3. **The organizational structures of MWL and IIRO as purported evidence of organizational awareness of material support of al Qaeda.**

Mr Kohlmann writes in his expert report: “The organizational and financial structures of the MWL, IIRO, and WAMY are evidence that their material support of al Qaeda and affiliated organizations was conducted with the awareness and knowledge of the senior officials who headed those organizations” (para. IV. 17, p.7). Mr Kohlmann provides no evidence to substantiate this very serious accusation. Expertise on the “organizational and financial structures” of Non-Governmental Organizations – or for that matter, corporate bodies of any description – could be based on experience in project management, strategic planning, organizational consultancy, financial control and auditing, monitoring and evaluation, risk analysis, regulatory compliance, and the like. With respect, I can find no evidence in Mr Kohlmann’s “Pedigree” (paras I. 1–10, pp.2–4) of any expertise of this type. Even if there were grounds for arguing that MWL or IIRO gave “material support of al Qaeda and affiliated organizations” – grounds which I consider to be lacking – it would be unwarranted to rely on Mr. Kohlmann’s opinion to conclude that the “senior officials who headed those organizations” had an “awareness and knowledge” of any putative wrongdoing by individuals associated with the organizations at lower levels of responsibility.

August 3, 2020

Date

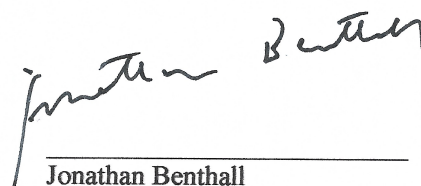

Jonathan Benthall

EXHIBIT A

CV

Jonathan Benthall

Honorary Research Associate, Department of Anthropology, University College London

Curriculum vitae updated July 2020

12 September 1941 born in Kolkata. British subject.

1954-59 Eton College (King's Scholar)

1959-62 King's College Cambridge (Minor Scholarship in Classics). M.A., English Tripos (classed 2.1 in all parts). College Studentship in English (not taken up).

1964-69 worked in industry and finance as programmed learning executive (International Teaching Machines Ltd), data processing systems engineer (IBM United Kingdom Ltd) and investment analyst (Henderson Administration Ltd)

1970-73 Lectures Programme Organizer and Secretary (1971-73), Institute of Contemporary Arts, London. Was responsible also for some exhibitions; for the 1972 mixed-media programme 'The Body as a Medium of Expression'; and for the March 1973 French Programme to mark Britain's entry into the European Community (with British Government funding and in cooperation with the French Institute and French Embassy Cultural Section in London).

1974-2000 Director, Royal Anthropological Institute of Great Britain and Ireland. Founding Editor of *RAIN* (RAI News) 1974-84, and of *Anthropology Today* 1985-2000.

Organized numerous conferences for the Institute, including Christianity and 'Primitive' Religions (1976), Spirit Possession and Ecstatic Religion (1977), The Refugee Experience (1980), Societies in Acute Crisis (1981), Christianity in Africa (1982), Religions in Conflict (1984), The Protection of Children (1985), The Debt to 'Other' Musics (1990), The Ethnography of Children (1992), etc.; directed the first International Festival of Ethnographic Film in 1985, funded by Unesco, and chaired the Festival Committee for subsequent film festivals held in Manchester and Canterbury on 1990, 1992 and 1994.

Awarded 6 months' sabbatical leave by the Institute, January to June 1996; spent carrying out research on Islamic organized charity in the Middle East, with special reference to Jordan and Palestine, with a research grant from the Nuffield Foundation.

Appointed Director Emeritus, 2015.

Since resigning from the Institute in 2000, has focussed on the comparative study of charity and the voluntary sector, with special reference to the Arab-Islamic world. More recently he has extended this interest to wider topics relating to Islam – notably the environmental movement, human rights, religious toleration and non-violence – , to 'faith and development' more generally, and to mutations of religion and quasi-religious movements in secularizing societies.

PUBLICATIONS – BOOKS AND OCCASIONAL PAPERS

1972 *Science and Technology in Art Today* (London: Thames & Hudson, and New York: Praeger).

1976 *The Body Electric: Patterns of Western Industrial Culture* (London: Thames & Hudson).

1993 *Disasters, Relief and the Media* (London: I.B. Tauris). Reprinted with new Introduction 2010, Wantage: Sean Kingston Publishing.

2003 *The Charitable Crescent: Politics of Aid in the Muslim World* (co-authored with Jérôme

Bellion-Jourdan, London: I.B. Tauris). Reprinted in paperback with new Preface, 2009.
 2008 *Returning to Religion: Why a Secular Age is Haunted by Faith* (London: I.B. Tauris).
 2016 *Islamic Charities and Islamic Humanism in Troubled Times* (Manchester: Manchester University Press).
 2018 *The rise and decline of Saudi overseas humanitarian charities* (Doha: Center for International and Regional Studies, Occasional Paper no. 20, Georgetown University – Qatar)

PUBLICATIONS - EDITED BOOKS

1970-74 Series editor for short Fontana/Collins series on technology and society, including Raymond Williams's book on Television and David Dickson's on alternative technology.
 1972 (edited) *Ecology, the Shaping Enquiry* (London: Longman - published by Viking, New York, as *Ecology in Theory and Practice*).
 1973 (edited) *The Limits of Human Nature* (London: Allen Lane, and New York: Dutton)
 1975 (co-edited with T. Polhemus) *The Body as a Medium of Expression* (London: Allen Lane, and New York: Dutton)
 2002. *The Best of 'Anthropology Today'* - Anthology of *RAIN/Anthropology Today* (1974-2000), with editorial introduction and linking matter. Preface by Professor Marshall Sahlins of the University of Chicago (London: Routledge).
 2014. *Gulf Charities and Islamic philanthropy in the 'Age of Terror' and Beyond*. Co-edited with Robert Lacey, as a result of the Gulf Charities Workshop which we co-directed in July 2012 at the University of Cambridge in the context of the Gulf Research Meeting 2012. Includes an Editors' Introduction and my own chapter, 'The Islamic Charities Project (formerly Montreux Initiative)'.

PUBLICATIONS - ARTICLES

Articles and papers since 1990 include:

1990. Elargir le contexte de l'anthropologie: comment a commencé *Anthropology Today*, in festschrift *Pour Jean Malaurie* (Paris: Plon).
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- Contemporary World* (London: Athlone Press).
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1996. The religious provenances of anthropologists. *Anthropology Today* 12:4. August.
1996. Entry on Mass Media in *Encyclopedia of Cultural Anthropology* (Macmillan and HRAF) - also served as member of the Editorial Advisory Board.
1996. Enlarging the context of anthropology: the case of *Anthropology Today* [adapted version of 1990 French article] in *Popularizing Anthropology*, ed. J. MacClancy and C. McDonough (London: Routledge).
1997. Repercussions from the Église Saint-Bernard [on Undocumented migrants]. *Anthropology Today*. 13:4. August
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2000. Middle East scenarios. *Anthropology Today*. 16:1. February.
2000. Civil society's need for de-deconstruction. *Anthropology Today*. 16:2. April.
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2002. Guest editorial: 'Imagined civilizations?' [on Samuel P. Huntington] *Anthropology Today*, 18.6, December, 1-2.
2003. Chapter on 'Humanitarianism and Islam' in *Monitoring Trends in Humanitarian Action: Humanitarian Action After September 11th*, ed. J. Macrae and A. Harmer. London: Overseas Development Institute Humanitarian Policy Group. (Also a shorter briefing paper on the same subject.)

2003. Commentary in *American Anthropologist*, June issue, on Mahmood Mamdani's article 'Good Muslim, Bad Muslim: A Political Perspective on Culture and Terrorism', September 2002.
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2008. 'Islamic charities in southern Mali' in *Islam et sociétés au sud du Sahara*, 1, new series, Paris: Les Indes savantes.
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2010. 'Powers of writing', review of Jack Goody's *Renaissances: The One or the Many*, *Times Literary Supplement*, 14 May.
2010. 'Distress of nations', lead review article (on engaging with Islam), *Times Literary Supplement*, 13 August.
2010. 'Mainstreaming religion: FBOs ride the wave', *ontrac*, newsletter of INTRAC, Oxford, no. 46, October.
2011. 'Holy neurons', review of David Lewis-Williams's *Conceiving God: The Cognitive Origin and Evolution of Religion*, *Times Literary Supplement*, 21 January.
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2011. 'Asset strippers', review of three books on religion, *Times Literary Supplement*, 9 December.
2012. 'Islam and the West', review of seven books on Islam and Islamophobia, *Times Literary Supplement*, 18 January.
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2012. 'Désastres–médiat–aide humanitaire : la stabilité du système', concluding article in *Réfugiés, sinistrés, sans papiers : politique de l'exception*, ed. Michael Agier, Paris : Editions Téraèdre, collection of papers from conference 'Terrains d'Asile', Paris, Ecole des Hautes Etudes en Sciences Sociales, 19 September 2008.
2012. 'Diapraxis rules OK', guest editorial on mediation, *Anthropology Today*, 28.1, February, 1–2.
2012. "'Cultural proximity" and the conjuncture of Islam with modern humanitarianism', in *Sacred Aid: Faith and Humanitarianism*, Oxford University Press, ed. Michael Barnett and Janice Stein, based on two workshops held in Geneva in 2009 and 2010.
2012. 'Splits at the seams', review of Tariq Ramadan, *The Arab Awakening: Islam and the new Middle East*, *Times Literary Supplement*, 12 October.
2012. 'A bigger splash', review of Timothy Radcliffe, *Take the Plunge: Living baptism and*

- confirmation, *Times Literary Supplement*, 2 November.
2012. 'Charity', in *A Companion to Moral Anthropology*, ed. Didier Fassin, Wiley-Blackwell.
2012. 'Charity plus', guest editorial on recent publications on humanitarianism, *Anthropology Today*, 28.6, December, 1-2.
2013. 'Against chaos', review of books on religion by Emile Perreau-Saussine and Roger Trigg, *Times Literary Supplement*, 31 May.
2013. 'Faith and seminal reason', review of Andrew M. Sharp, *Orthodox Christians and Islam in the Post-Modern Age*, *Times Literary Supplement*, 5 July.
2013. 'Foregrounding the Muslim periphery', guest editorial on Akbar Ahmed's *The Thistle and the Drone*, *Anthropology Today*, 29.4, August.
2014. 'Abraham's children', review of Mona Siddiqui, *Christians, Muslims, and Jesus*, *Times Literary Supplement*, 31 January.
2014. 'Scientology's winning streak', guest editorial, *Anthropology Today*, 30.1, February.
2014. 'Critical realist', review of David Martin, *The Education of David Martin*, *Times Literary Supplement*, 21 February.
2014. 'Charity' and 'Yusuf Al-Qaradawi', *Oxford Encyclopedia of Islam and Politics*, Oxford University Press.
2014. 'Always with us', review of *Pauperland* by Jeremy Seabrook, *Times Literary Supplement*, 4 April.
2014. 'After Trondheim', review of two books on Malthus, *Times Literary Supplement*, 13 June.
2014. 'Social work, poverty, inequality and social safety nets: voluntary welfare organizations' in *Modern Islamic Thinking and Activism: Dynamics in the West and in the Middle East*, ed. E. Toguslu and J. Leman, Leuven: Leuven University Press.
2014. CA Comment on Michael Jindra, 'The dilemma of equality and diversity', *Current Anthropology*, 55.3, June.
2014. 'Times of violence', lead review of Michael Cook, *Ancient Religions, Modern Politics*, and Akeel Bilgrami, *Secularism, Identity, and Enchantment*, *Times Literary Supplement*, 12 September.
2014. 'Poplars in the marsh', review of David Martin, *Religion and Power*, and Karen Armstrong, *Fields of Blood*, *Times Literary Supplement*, 12 December.
2015. 'L'action caritative des monarchies du Golfe: entre obligation islamique et financement du radicalisme', *Moyen-Orient*, January–March, no. 25.
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2015. 'Religion and humanitarianism', in *The Routledge Companion to Humanitarian Action*, ed. Roger MacGinty and Jenny H. Peterson, Routledge.
2015. 'William Fagg the seer', guest editorial, *Anthropology Today*, 31.3, June.
2015. 'Social insecurity', review of Luke Bretherton, *Resurrecting Democracy: Faith, citizenship and the politics of a common life*, *Times Literary Supplement*, 26 June.
2015. 'Survivors', review of Timothy Larsen, *The Slain God: Anthropologists and the Christian faith*, *Times Literary Supplement*, 7 August.
2015. 'This life only', review of Roger Trigg, *Religious Diversity: Philosophical and political dimensions*, and James R. Lewis and J. A Petersen, *Controversial New Religions*, *Times Literary Supplement*, 11 September.
2015. 'Crossroads', review of Maurizio Albahari, *Crimes of Peace: Mediterranean migration at the world's deadliest border*, and Michel Agier (ed.) with Clara Lecadet, *Un monde de*

- camps*, *Times Literary Supplement*, 2 October.
2015. 'Drops and buckets', review of Philippe Buc, *Holy War, Martyrdom, and Terror: Christianity, violence and the West*, and Jonathan Sacks, *Not in God's Name: Confronting religious violence*, *Times Literary Supplement*, 18 & 25 December.
 2016. 'Charity, modern period', in *Encyclopedia of Islam, Third Edition*, Brill (online).
 2016. 'Yehudi Menuhin und Deutschland', in *Yehudi Menuhin: Musiker, Mythos, Mensch* Festschrift for the Menuhin Centenary, Konzerthaus, Berlin.
 2016. 'The word of dog', review of Donovan O. Schaefer, *Religious Affects: Animality, evolution, and power*, *Times Literary Supplement*, 17 June.
 2016. 'The Order of Malta and humanitarian aid: in memory of John de Salis (1947–2014), Activity Report 2016, Sovereign Military Hospitaller Order of St John of Jerusalem of Rhodes and of Malta, pp.42–45.
 2016. Interview: 'Anthropology, anti-racism and schools in the 1970s', conducted by David Mills. *Teaching Anthropology* vol. 6, published 13 November.
https://www.teachinganthropology.org/ojs/index.php/teach_anth/article/view/442/551
 2016. 'Losing our religion', review of Elizabeth Shakman Hurd, *Beyond Religious Freedom: The new global politics of religion*, *Times Literary Supplement*, 14 December.
 2017. 'Church and state', review of David L. Gosling, *Frontier of Fear: Confronting the Taliban on Pakistan's border*, *Times Literary Supplement*, 4 March.
 2017. 'Experto crede: A legal and political conundrum' in *If Truth be Told: The politics of public ethnography*, ed. Didier Fassin. Durham: Duke University Press.
 2017. 'Technological art and *Studio International*'s eclectic vanguardism', *Interdisciplinary Science Reviews*, special issue on 'The experimental generation', edited by Brona  Ferran and Elizabeth Fisher, 42: 1-2, pp.79–92.
 2017. 'Blanc ou noir', review of two books by Didier Fassin on prisons and punishment, *Times Literary Supplement*, 4 October.
 2017. 'Just the ordinary God', review of Grace Davie, *Religion in Britain: A persistent paradox*, *Times Literary Supplement*, 12 December.
 2017. 'Charity' in free online *Cambridge Encyclopedia of Anthropology*. www.anthroencyclopedia.com/entry/charity French translation 'Charit '. www.anthroencyclopedia.com/entry/charite
 2018. 'Humanitarianism as ideology and practice', in *The International Encyclopedia of Anthropology*, ed. Hilary Callan, Wiley-Blackwell.
 2018. 'Mary Douglas and the diversity of purity frameworks', *Anthropology Today*, April, 34.2, 27–28.
 2018. 'Deep magic', review of Justin Welby, *Reimagining Britain* and Stephen Spencer (ed.) *Theology Reforming Society*, *Times Literary Supplement*, 5 June.
 2018. 'Godfather of like', review of Cynthia L. Haven, *Evolution of Desire* (biography of Ren  Girard), *Times Literary Supplement*, 11 September.
 2018. 'Brothers and arms', review of two books on political Islam, *Times Literary Supplement*, 19 September.
 2018. Obituary of Michael Day (with Bernard Wood), *Anthropology Today*, October, 34.5, 24.
 2018. 'Charitable activities of the Muslim Brotherhood', *Journal of Muslim Philanthropy and Civil Society*, 2.2.
 2019. 'In God's name', review of books on religion and violence, by Richard A. Burrige & Jonathan Sacks (eds) and Ziya Meral, *Times Literary Supplement*, 7 May.
 2019. 'The care of orphans in the Islamic tradition, vulnerable children, and child sponsorship programs', *Journal of Muslim Philanthropy and Civil Society*, 3.1.

2019. 'A note on humanitarian terminology', Allegra Lab online: project on Muslim humanitarianism (MUHUM). <https://allegralaboratory.net/a-note-on-humanitarian-terminology-muhum-2/>
2019. 'Cross purposes', Review of Olivier Roy, *Is Europe Christian?*, *Times Literary Supplement*, 8 October.
2019. Comment, 'Glynn Flood', *Anthropology Today*, 35.5, October, 24.
2019. 'The grace of Julian Pitt-Rivers: over and above the predictable' (review of two posthumous works by Julian Pitt-Rivers), *JRAI*, 25.3, 609–11.
2020. 'Tolerance and the godly: Approaching religious divides', review of five books on Islam and politics, *Times Literary Supplement*, 6 March.
2020. 'Comment: Anthropology and Climate Change: Reply to Eriksen.' *Anthropology Today*, 36.2, April.
- In press*. Review of Luke Bretherton, *Christ and the Common Life: Political theology and the case for democracy*, *Times Literary Supplement*.
- Forthcoming, in press*. 'Friend, foe, or in-between? Humanitarian action and the Soviet–Afghan war', in *Non-State War Economies*, ed. Didier Fassin, Clémence Piauult and Nicola di Cosimo. Lexington Books.

Book reviews for *New Statesman and Society* and *The Independent* newspaper on Clifford Geertz, Adam Kuper, Nigel Barley, Derek Freeman, biography of Tom Harrisson; and book reviews for *Journal of the Royal Anthropological Institute*, *Journal of Anthropological Research*, *Theoretical Anthropology*, *The Tablet*, *International Affairs*.

VIDEO INTERVIEW

Conducted by Professor Alan Macfarlane, December 2005, in his 'Anthropological Ancestors' series of interviews, accessible online in Cambridge University Dspace:
<https://www.dspace.cam.ac.uk/handle/1810/113828>

RECENT TEACHING, LECTURING AND SEMINARS

Lectures at Observatoire du Religieux, Institut des Etudes Politiques, University of Aix-en-Provence, November 2005 and February 2006.

Seminar, Department of Anthropology, University College London, 14 November 2005: 'The secular sanctity of Médecins Sans Frontières'.

Presentations on Islamic charities at the Foreign and Commonwealth Office and the Charity Commission, London, 2007; Centre National d'Education et de Formation (French national police academy), 2007; Home Office, London, 2009.

Presentation at conference on Islamic NGOs, University of Utrecht, June 2007.

Keynote address on 'humanitarianism and the media', ALNAP Biannual Meeting, Madrid. March 2008.

Discussion paper on Palestinian zakat committees, Henry L. Stimson Center and Oxfam America workshop, on 'New humanitarian actors and donors', Washington, DC, May 2008.

Paper on 'cultural proximity' presented at conference on 'Religion, Secularism, and

Humanitarianism: Exploring Differences, Boundaries, and Connections', Geneva, 10-11 October 2009

Opening presentation on 'Civil society in the contemporary Muslim world' at conference organized by the Dutch government sponsored Islam Research Programme, on 'Studying Islam in the public sphere: a critical reflection on knowledge production', Leiden, 3-4 November 2009.

Keynote presentation at a seminar 'Who are the humanitarians now?', Humanitarian and Conflict Response Institute, University of Manchester, 25 November 2009.

Presentation for the Charity and Security Network, Washington, DC, on research on West Bank zakat committees, 14 January 2010.

Plenary presentation, 'Mainstreaming religion: Faith Based Organizations ride the wave', at the closing conference of the DFID-funded Religions and Development research programme, University of Birmingham, 22 July 2010.

Presentation at the Swiss Federal Department of Foreign Affairs, Political Division IV (Human Security) Annual Conference, Bern, 14 October 2010, 'When religions and world views meet'.

'Reviewers meet reviewed' seminar at the British Museum, Anthropology Library, devoted to *The Charitable Crescent*, with Dr Jon Mitchell, who had reviewed it in the *Journal of the Royal Anthropological Institute*, 9 December 2010.

Seminar paper on Islamic charities, UCL Medical Anthropology Seminar series, November 2011.

Participation in seminar organized by Professor Charles Taylor on Religion and Secularization, Institute of Human Sciences, Vienna, 14-15 June 2012.

Presentation in a panel on 'The future of religion', Israeli Presidential Seminar, Jerusalem, 21 June 2012.

Co-director with Robert Lacey, Gulf Charities Workshop, University of Cambridge (Gulf Research Meeting), 11-14 July 2012.

Keynote address, 'Pure aid: Challenging humanitarianism' in workshop 'Salvage and salvation: religion, disaster relief and reconstruction in Asia', Institute for Asian Studies, University of Singapore, 22 November 2012.

Paper, 'Two models of toleration in Islam, concentric and accommodative: a dilemma for Muhammadiyah's philanthropy?', in International Conference on Muhammadiyah, University of Malang, Indonesia, 30 November 2012.

Lecture, 'Political aspects of faith-based humanitarian aid in different religious contexts', New York University, Abu Dhabi Campus, New York, 21 February 2013.

Presentation, 'Between the confessional field and the international aid system: official and

private aid from the Gulf countries’, for lecture series, ‘No longer (only) the “white man’s burden”: the emerging donors in international aid’, Conflict Research Group, University of Ghent, Belgium, 21 March 2013.

Keynote address, ‘Islamic charities in Africa and the international aid system’, in symposium, ‘Islamic NGOs and development aid in Africa’, Center for African Studies, University of Florida, Gainesville, USA, 12 April 2013.

Lecture, ‘Yehudi Menuhin: violinist and visionary’, 9th annual Nilsson Lecture in Contemporary Drama and Literature, Fine Arts Library, University of Texas, Austin, 28 February 2014.

Presentation, ‘A revival of Gulf-based charities: opportunities and obstacles’, University of Chicago conference, ‘Crisis of humanitarianism’, 26 April 2014.

Presentation, ‘Puripetal force versus social entropy at the intersect between Islam and humanitarianism’, conference at Jesus College, Cambridge, on Purity and Impurity, 20–21 May 2014.

Presentation, ‘From the disaster–media–relief system to the finance–security assemblage, via Islamic charities’, Institute of Advanced Study, Princeton, workshop on ‘Public ethnography’, 27–28 May 2014.

Participant, Doha Round Table on ‘Formal and Non-Formal Economies in Afghanistan and Pakistan: The View from the Gulf’, CIDOB Policy Research Project co-hosted with Qatar University Gulf Studies Program, 21 October 2014.

Presentation, workshop on ‘Faith, Empire and European cultures of humanitarianism since 1945’, Humboldt University, Berlin, 13 March 2015.

Participant, Ditchley Foundation conference on ‘Global ambitions and local grievances: Understanding political Islam’, and Rapporteur for the group meetings on ‘The Islamic response to violent extremism, 19–21 March 2015.

Keynote address, ‘The shipwreck of our humanity: A turning-point for Europe’, for the conference ‘Zukunft der Migration’, organized by Forum 2000 and the German Association of the Order of Malta, Munich, 16 September 2015.

Presentation, ‘The uses of extremism’, for conference ‘Building Peace through Coalitions’, ARCENT/NESA, National Defense University, Fort McNair, Washington, DC, 6 April 2016.

Presentation, ‘A repercussion from the Reagan Doctrine: The spooking of Islamic charity’, in workshop ‘Non-state war economies’, Institute for Advanced Study, Princeton, 2–4 June 2016.

Presentation, ‘Humanitarianism as ideology and practice: the contribution of social anthropology’, in conference on “Compassion, social engagement, and discontent: Believing and the politics of belonging in Europe today”, University of Leiden Centre for the Study of Religion, 10–11 November 2016.

Presentation on the Montreux Initiative, in workshop “Bridging transatlantic voices: Understanding Muslim humanitarian and development organizations in and around conflict zones”, organized in Brussels by the British Council, Institute for Strategic Dialogue, and Georgia State University, 1–2 December 2016.

Presentation, ‘Towards a level playing-field for Islamic charities’, in conference sponsored by the Cordoba Foundation of Geneva and Eid Charity (Qatar) on ‘International humanitarian action: between the East and the West’, Doha, 26–27 March 2017.

Presentations on Saudi charities and humanitarian diplomacy in symposia on ‘Middle Powers in the Middle East’, Georgetown University in Qatar, Center for International and Regional Studies, Doha, 16–17 January and 20–21 August 2017.

Presentation on ‘Orphans in Islamic teaching, and the care of vulnerable children’ in Symposium on Muslim Philanthropy and Civil Society, Indiana University, 2–3 October 2018.

Presentation on ‘The choking of Islamic aid flows since the 1980s Soviet–Afghan war’, workshop on ‘Muslim humanitarianism’, Graduate Institute, Geneva, 15–16 May 2019.

Presentation, “Remembering the Zagreb Manifesto”, International Gustav Metzger Symposium, Zurich University of the Arts, 11 October 2019.

OTHER ACTIVITIES

Advisory Editor for anthropology, *New Dictionary of National Biography* (Oxford University Press), 2001–2003. Contributed articles on M.N. Srinivas, Marian Smith and Julian Pitt-Rivers, and advised on the commissioning and editing of articles on anthropologists who died during the 20th century and more recently.

Jury member, Habilitation de Diriger des Recherches, political science department, University of Aix-en-Provence, France, December 2004 (Professor Raphaël Liogier).

Invited to speak at meetings on Islam and humanitarianism at Médecins Sans Frontières offices in London, Brussels and Amsterdam, 2004. Contributed a commissioned paper to MSF’s Strategy Review, summer 2005.

Feasibility study for Swiss Federal Department of Foreign Affairs, Bern (Human Security Division), on ‘Towards cooperation in removing obstacles for Islamic charities’, January – February 2005. Independent adviser to the same Department for an initiative to implement the recommendations (the ‘Montreux Initiative’), subsequently renamed the Islamic Charities Project, administered till 2012 by the Graduate Institute for International and Development Studies, Geneva, now by the Center for Security Studies, ETH Zurich, 2005–2013. Assisted with the Zakat Research Project in the Palestinian Territories, including field visits to the West Bank in 2009 and 2011, 2009–2013; took part in a delegation of the Islamic Charities Project to Washington, DC, March 2011.

Retained as a consultant on issues relating to Islamic charities by :

New York attorneys Dewey & LeBoeuf, 2006–2013, succeeded by DLA Piper, 2013–

current;

American Civil Liberties Union, 2007-08 (*pro bono*);
Albuquerque attorneys Freedman Boyd Daniels Hollander Goldberg and Ives, 2007-09;
Boston attorneys Zalkind, Rodriguez, Lunt & Duncan, 2007;
Boston attorneys WilmerHale, 2008 (*pro bono*);
Brenda Wemp, solicitor and barrister, Vancouver, 2009;
Kutty, Syed and Mohamed, solicitors, Toronto, 2011.

Gave evidence *pro bono* as an expert witness in the criminal appeal court, Copenhagen, 2007, and the civil appeal court, Paris, 2008, on issues relating to Islamic charities.

Member of Dissertation Committee, University of Bergen, Norway, for doctoral thesis by Lars Gunnar Lundblad on Palestinian zakat committees, April 2011.

Member of the Midterm Review Committee, Major Collaborative Research Initiative, 'Religious Diversity and Its Limits: Moving Beyond Tolerance and Accommodation', Canadian SSHRC, September–November 2013.

Editorial Board, *Journal of Muslim Philanthropy and Civil Society*, 2019–current.

PROFESSIONAL MEMBERSHIP

1982 Elected Member of the Association of Social Anthropologists.

1994-2003 Honorary Research Fellow, University College London, Department of Anthropology.

2003–current Honorary Research Associate, University College London, Department of Anthropology.

2009-current Associate Fellow, Humanitarian and Conflict Response Institute, University of Manchester

2008-2010 Advisory Committee, Religions and Development research programme, University of Birmingham.

2004-2012 Publications Committee, Royal Anthropological Institute

2019–current. *Editorial Board, Journal of Muslim Philanthropy and Civil Society*

HONOURS AND AWARDS

1973. Chevalier de l'Ordre des Arts et des Lettres (France).

1993. Anthropology in Media Award (AIME Award), American Anthropological Association.

2001. Patron's Medal, Royal Anthropological Institute, for 'distinguished service to anthropology and to the Institute'.

VOLUNTARY WORK FOR U.K. CHARITIES

Save the Children (UK): Member of UK Advisory Committee (1981- 87), Overseas Committee (1985-86), Council (1987-90), Assembly (1990-1998), Overseas Advisory Committee (1990-96).

Trustee (1997-2004), Alliance of Religions and Conservation.

Chair (1997-2003, Board member 1996-2006) of INTRAC (International NGO Training and Research Centre), Oxford.

LANGUAGES

Fluent speaker, reader and writer of French.

Reading knowledge of Standard Arabic. Elementary colloquial Arabic. Graded 'B+ Intermediate' for Middlebury, Vermont, Summer course in Arabic, June-August 2000.

Elementary Spanish.

ADDRESS

Downingbury Farmhouse, Pembury, Tunbridge Wells, Kent TN2 4AD.

Tel. +44 (0)1892 822815 or 822941.

Mobile: +44 (0)7787 510635.

Email: jonathanbenthall@hotmail.com

EXHIBIT B

DOCUMENTS CONSIDERED BY EXPERT

DOCUMENTS CONSIDERED BY EXPERT

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| “Abdul Sattar Edhi, Pakistan’s ‘Father Teresa,’ Dies at 88”, <i>The New York Times</i> , 8 July 2016, https://www.nytimes.com/2016/07/09/world/middleeast/abdul-sattar-edhi-pakistans-father-teresa-dies-at-88.html |
| “An Unholy Tangle: Boim versus the Holy Land Foundation.” <i>UCLA Journal of Islamic and Near Eastern Law</i> 10.1: 1–10 (2010-11). |
| “Charity (Tzedakah): Eight Levels of Charitable Giving” Jewish Virtual Library. https://www.jewishvirtuallibrary.org/eight-levels-of-charitable-giving |
| “The Islamic Charities Project (Formerly Montreux Initiative).” In <i>Gulf Charities and Islamic Philanthropy in the “Age of Terror” and Beyond</i> , edited by Robert Lacey and Jonathan Benthall. (Berlin: Gerlach Press: 2014) 285–305. |
| 2013, “Muslim giving in the UK”, <i>Muslim Philanthropy</i> , 1: 1 (Academy of Philanthropy), 72–76. |
| 3 held for Goodall murder (Kohlmann Relied Upon Documents) |
| A Nation challenged the money; Saudi Denies U.S. Charge That He Gave Bin Laden Aid (Winer Relied Upon Document) |
| A nation challenged_ SCHOOLS; Shaping Young Islamic Hearts and Hatreds (Winer Relied Upon Document) |
| A Sprawling Probe Of Terror Funding Centers in Virginia (Winer Relied Upon Document) |
| About MWL (Kohlmann Relied Upon Document) |
| Abuarqub, Mamoun, “Islamic Relief: Faith and identity in practice”, <i>Ontrac</i> 46: 7 (Oxford: INTRAC 2010). |
| ACLU, <i>Blocking Faith, Freezing Charity: Chilling Muslim charitable giving in the ‘war on terrorism financing</i> (New York: American Civil Liberties Union 2009). |
| Affidavit of Khalid bin Obaid Azzahri |
| Affirmation of Evan F. Kohlman, In Re Terrorist Attacks on September 11, 2001, MDL <i>Afghan Jihad</i> , vol. 1 no. 4, 1988. Accessed at http://catalog.acku.edu.af/cgi-bin/koha/opac-detail.pl?biblionumber=15422&query_desc=kw%2Cwrdl%3A%20%22Afghan%20Jihad%22 |
| AHIF 000914 |
| AHIF 001120 |
| AHIF 001624 |
| AHIF 001650 |
| AHIF 001667 – 001670 |
| AHIF 001825 – 001828 |
| AHIF 00596-00639 |
| AHIF response to interrogatories |
| Al Alam Al Islami (February 3, 1992) (Highlighted Text) |
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